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A TREATISE ON

DENTAL JURISPRUDENCE,

FOR

DENTISTS AND LAWYERS,

EMBRACING THE FOLLOWING SUBJECTS:

Dental Jurisprudence—Dental Expert Testimony—Identification by Means of the Teeth—Dental Malpractices—Cocaine Poisoning—Fracture of Maxilla During Extraction of Teeth—Injuries and Deaths Due to Anæsthesia—The Jurisprudence of Dental Patents, etc., etc.,

BY

WILLIAM F. REHFUSS, D.D.S.,

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TO

JAMES TRUMAN, D.D.S.,

(Professor of Dental Pathology, Therapeutics, and Materia Medica, in the Dental Department of the University of Pennsylvania, and Dean of the Faculty),

Whose Efforts and Merits in the Advancement of Dentistry are Recognized and Honored by His Professional Brethren,

THIS WORK IS INSCRIBED

AS A

Token of Esteem and Admiration for Him as a Teacher, and a Tribute of Enduring Friendship

OF HIS FORMER PUPIL,

—The Author.

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ALEX. DURBIN LAUER,

ATTORNEY-AT-LAW,

ROOM 701, DREXEL BUILDING,

PHILADELPHIA, July 30th, 1891.

MY DEAR DOCTOR:—I have examined the MSS. of your "Dental Jurisprudence," and find the general legal principles therein enunciated correct, while the arguments presented in the special subjects are in accordance with the authorized legal views. I can state that there are many facts in it which can not fail to be of service to the advocate in the trial of a cause, involving any part of the ground it covers.

In the absence of any work on that particular subject, and especially from its intrinsic merit, your book is bound to become a reference in all cases of that kind.

Yours, very truly,

ALEX. D. LAUER.

DR. W. F. REHFUSS.

PREFACE.

The purpose of this volume is to supply to the dental and legal professions a comprehensive treatise or text-book, covering the subject of dental jurisprudence, showing the relations the dental practitioner sustains to the law.

It is true that the general principles of medical jurisprudence apply equally as well to the dental practitioner, but there are certain special questions which arise exclusively in dental practice, undoubtedly creating a field for a distinct and separate jurisprudence for dentistry. The objective point is to produce a true work of reference for technical points of a dento-legal character, enabling those who are desirous of obtaining information, or quoting opinions or decisions relative to any dento-legal question, to do so without extensive research.

The absence of such a work has frequently been commented upon, and in consequence thereof I have devoted my energies toward supplying this need to the professions.

Owing to the wonderful advancement within late years of the dental sciences, embracing the discovery of many new operations and methods of treatment, increased responsibilities are accredited to the dental surgeon, the neglect of which might involve him in litigation, and the knowledge thereof may at some period in his professional career avoid a calamity of a serious nature.

For this reason, a knowledge of dental jurisprudence would be of infinite value to the young graduate, who too frequently enters upon his professional duties utterly ignorant and oblivious of the legal responsibilities incident to the practice of his profession. An error of judgment, recklessness, a careless mistake, or unprofessional conduct may involve him in unwonted trouble that might ruin his whole professional career.

In dentistry, as in medicine, jurisprudence must eventually become an important subject of education, not alone to explain and show the nature of the different legal liabilities for which the dentist is answerable, or the legal consequences of dental malpractices, but to point out to the student, and caution him against the dangers referred to above, and which are more fully elaborated in other portions of this work.

In writing a book on jurisprudence, it is important to consider the decisions of the courts in actual cases, and thereon base the arguments and conclusions on the subject; consequently, the work now presented is largely composed of references to and extracts from such decisions, and the author's own private thoughts have in no instance been given preference to these. Where no precedent has been established, the conclusions are derived from analogous cases.

As the intention is to make this treatise comprehensive and practical, the repetition of important points becomes a necessity, in order that each subject, to a certain extent, is complete in itself, rendering it unnecessary for the reader to constantly refer to other portions of the book for explanations or information; and, moreover, this is a particular advantage and convenience for those who may desire to consult and study certain subjects, without being obliged to peruse the greater portion of the book. In preparing this volume it has been my aim to consult the works of the standard authors on all subjects, as well as the current literature.

Such knowledge, becoming as it does, common property, may be quoted and reproduced by all who may so desire, providing the courtesy of always giving the author the deserved credit, is observed.

Having faithfully complied with these requirements, the author feels that he is under no further obligations for his extensive quotations from standard works on jurisprudence and other sources of information, than to acknowledge his indebtedness to such authors who have contributed to the completeness of the subject; and the reader will perceive, by the numerous references to their names in the following

pages, that those especially worthy of mention are: Daniel Nason, Esq. (whose article on "The Legal Status of Dentists," read before the Dental Society of New York, is commendable); Judge Chas. G. Garrison's (M. D.) valuable article on Dental Jurisprudence, in "American System of Dentistry," Volume III; the treatises of Professors Taylor and Guy, of London; Field's Medico-Legal Guide; Wharton and Stillé's works on Jurisprudence; Howson on U. S. Patents; Williams on Physicians, Druggists and Dentists; "Dental Cosmos;" "Items of Interest," etc. In addition, the author has made an extensive research of the court reports and digests of the cases that occurred in the United States and England, which have a bearing on the subject.

It will be noticed that particular attention has been observed in preparing those subjects which are of most importance to the dentists—notably, the different forms of dental malpractices, injuries and deaths from anæsthesia, the legal rights of the dental practitioner, and the jurisprudence of patents are treated exhaustively.

My thanks are also due to Professors James Truman and C. N. Peirce, and to Alex. Durbin Lauer, Esq., for their kindness in reading my MSS., and for the pleasure and encouragement derived from their favorable opinions on the work and their commendation of it; to Dr. E. C. Kirk (editor of "Dental Cosmos") and W. Potter, for their many courtesies.

In conclusion, in submitting this treatise to the criticism of my professional brethren and of the legal profession, it is with the hope that they will be lenient, and deem it, to a certain extent, worthy to meet the desideratum which it is intended to supply.

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DENTAL JURISPRUDENCE.

§ 1. DEFINITION.

Dental jurisprudence may be defined as that science which teaches the application of every branch of dentistry to the purposes of the law; hence its limits on the one hand are the requirements of the law, and on the other the whole range of dental knowledge: anatomy, physiology, therapeutics, materia medica, chemistry, operative and prosthetic dentistry, etc.

To enable a court of law to arrive at a proper conclusion or decision in a dental case at issue, as necessity arises, each one of these branches of science may be an aid in properly interpreting the evidence adduced.

§ 2. REQUIREMENTS OF DENTAL JURISTS.

The field of dental jurisprudence is necessarily limited, but a dental jurist should have a theoretical and thorough practical knowledge of every branch of his profession, and have had a large range of experience. When called to testify in a case in court, he should be able to interpret any difficult dento-legal question that may arise, and be prepared to adapt his knowledge and experience to the proper explanation and interpretation of any questions or facts submitted to him, to enable the jury to arrive at a just conclusion.

The more perfect a man has made himself master of his profession, the better will he be qualified to follow and apply himself to the practice of dental jurisprudence. For he can expect no consideration from the lawyers at the bar if he attempts to explain that of which he has but a vague knowledge.

Dr. Ellwell, a member of the legal as well as the medical profession, observes that "no witness is ever compelled to

appear and testify to what he does not know." He may be compelled to attend in court in obedience to a subpœna, but if he attempts to testify upon subjects requiring opinions upon which he has no well-settled or well-defined ideas, it is his own fault, and he alone is to blame, for no one as himself can know so well as he, until he has exposed himself, how unfit he is for the occasion. However anxious a witness may be to appear learned, and no matter how hard he may labor to show it, he will find it difficult to make the court and counsel believe that he is really so. To appear really learned he must be able to make the subject upon which he gives an opinion clear, and to give satisfactory reasons for his opinions. It is, therefore, necessary that he clearly and thoroughly understands the subject upon which he gives his opinions. (Taylor's Med. Jurisp., p. 50.)

§ 3. DENTAL WITNESSES.

A dentist may be required to appear and testify in court, or before judicial or other officers, to facts within his observation, as an ordinary witness, or to offer expert testimony either orally or by deposition, in the same manner as a non-professional man, if served with a subpœna commanding him to do so. In the former case, there is no distinction between the dentist and other witnesses, and the same legal rules, regulating the production of all testimony, apply to him as to any other witness, who having seen or known some fact, is called to testify thereto.

§ 4. SUBPŒNA.

A dental practitioner is bound to attend court, when served with a subpœna. Every witness must obey a subpœna when with it his reasonable expenses, etc., for journey are tendered him. In civil cases, the failure to pay one day's attendance and mileage in advance—the fee being usually fixed by statute and is different in the various states—would frequently constitute a reasonable excuse for non-attendance. In criminal cases it is not generally necessary to tender a fee in advance to compel the witnesses to attend, it being their

duty to obey a call of that description, it being also a case in which he is, in some measure, a party. But his fees will in general be finally paid from the public treasury. The accused in all such cases is entitled to compel witnesses to attend in his favor. (Greenleaf's Ev., § 311.)

An expert is allowed a larger fee than a common witness only as a matter of policy or arrangement of the party litigant subpœnaing him. In no case can the excess over the usual fee ($1.50 for each day or fraction of a day's attendance at court) be included in the bill of costs filed by the successful party. (Foster's Est. C. P. No. 1., Phila. Co. Ms.)

A question of much importance in regard to the attendance of a dental witness may here be discussed. IF A SUBPŒNA IS SERVED ON AN ORDINARY OR SKILLED WITNESS, IS HE BOUND TO ATTEND?

In a medical case, Betts *v.* Clifford (Warwick Lent Assizes, 1858), the late Lord Campbell stated, in reply to a question, that a scientific witness was not bound to attend upon being served with a subpœna, and that he ought not to be subpœnaed. If the witness knows any question of fact he might be compelled to attend, but he could not be compelled to attend to speak of matters of opinion.

This ruling of Lord Campbell would necessarily apply to dentists, who belong to the same category of scientific men as the medical practitioner.

In Rich *v.* Pierpoint, an action for malpractice, Dr. Lee was summoned against his will to give evidence on the part of the plaintiff. On the evening previous to the trial, a solicitor called on him with a subpœna. Dr. Lee would not listen to any account of the case which the solicitor proposed to give, and stated he would have nothing to do with the case.

The solicitor warned him that he would be compelled to pay the usual penalty if he did not attend. He went to court and was warned not to leave before the case was over. He heard the evidence on the part of the plaintiff and the medical testimony, and on this gave his opinion—not much in favor of the party who summoned him, and not against him. Dr. Lee considered that he could not avoid attending the

trial under the circumstances. ("Medical Times and Gazette," April 12th, 1862, p. 389; Case of Webb *v.* Page, "Medical Times and Gazette," April 26th, 1862, p. 432; Taylor's Jurisprudence, p. 38.)

"Upon affidavit of the service of subpœna and the payment of witness fees and mileage made (in the Courts of Pennsylvania), within an hour of the opening of the session, a recalcitrant or absent witness may be brought in by attachment." (A. D. Lauer.)

When the subpœna has been duly served and the fees paid in advance when DEMANDED, if the witness is entitled to advance fees, it is the duty of the person thus served to obey the command of writ—the failure to do so without a reasonable excuse, as an accident, physical infirmity, death in the family, etc., which rendered it impossible, would be a contempt of court and subject the offender to a fine, imprisonment, or both.

§ 5. DENTAL EXPERT WITNESSES.

As an expert, a dentist may be classed with medical and other expert witnesses. The difference is not of kind, but simply the class of facts and knowledge presented.

An expert witness may be defined as one who has gained peculiar knowledge and experience, by practice or observation, in the art, science or business in which he is called to offer his testimony or opinions, which are of value in deciding the case at issue.

"Expert witnesses are persons professionally conversant with the practice, science, skill, or trade in question." (Best on Ev., sec. 346; Strickler on Ev., 408—Field's Medico-Legal Guide, p. 5.)

An expert witness is not requested, as other witnesses, to testify because he witnessed or observed a fact bearing on the case at issue; but he is summoned to interpret and explain, for the benefit of the court and jury, the meaning and significance of the facts as they are understood by himself and others of his profession or art.

On the subject of experts, Greenleaf observes: "On

questions of science, skill, or trade, or others of a like kind, persons of skill, sometimes called experts, may not only testify to facts, but are permitted to give their opinions in evidence." (Greenleaf on Ev., sec. 440.)

An expert witness is not required to testify positively, but may state his impressions as to occurrences, facts or events, from his knowledge or recollection of them, and he has the right and may be compelled to refresh or assist his memory, where it is at fault, by a reference to a written instrument, memorandum or other document. (1 Greenleaf on Ev., sec. 440; Blake *v.* People, 73 N. Y., 586; Reed *v.* Boardman, 20 Pick., Mass., 441; Kan *v.* Stivers, 34 Ia., 123; 3 Field's Lawyer's Briefs, Sub. Evidence, sec. 318.)

In a note by Mr. Smith to Carter *v.* Boehem, *supra*, he observes: "On the one hand it appears to be admitted that the opinion of the witnesses possessing peculiar skill, is admissible whenever the subject matter of the inquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment upon it, without such assistance; in other words, when it so far partakes of the nature of a science as to require a previous habit or study in order to the attainment of it; while on the other hand, it does not seem to be contended that the opinions of witnesses can be received when the inquiry is into a subject matter, the nature of which is not such as to require any particular habit or study in order to qualify a man to understand it. (See Hardy *v.* Merrill, 56 N. H., 227; Com. *v.* Sturtevant, 117 Mass., 122; 19 Am. Rep., 401—Field's Medico-Legal Guide.)

And a witness cannot generally give his opinion as an expert upon matters of common knowledge and not requiring special skill or experience. (White *v.* Ballou, 8 Allen, Mass., 408; New England Glass Co. *v.* Lovell, 7 Cush, Mass., 321; Luce *v.* Dorchester Ins. Co., 105 Mass., 299.)

§ 6. THE QUALIFICATIONS REQUIRED OF EXPERTS.

Before a witness can be examined as an expert it is necessary to prove that he is competent and possesses the necessary qualifications to render him legally capable of

giving expert testimony. This is preliminarily decided by the court when the alleged expert is put upon his *voir dire*, but the slightest symptoms of technical knowledge will carry him past the court into the tender arms of the advocates, who are only waiting to pick him apart before the jury.

There is no strict test for the settlement of this question. In order to determine that he is competent to act as an expert in his specialty, the court will inquire what special advantages and opportunities he has and has had for acquiring the necessary familiarity, how long he has followed or pursued it, and it rests with the court to ask such questions, to prove or disprove his claims of competency to act as an expert witness. The intention of the court is merely to find out whether his knowledge of the art or science of the subject under consideration, is sufficient to give him the character of an expert therein. Theoretical experience alone is not requisite, nor is it also necessary to constitute an expert.

In examining a dentist as to his qualification to offer expert testimony, the court would be satisfied if it were proven that he had received an education in dentistry, and was, or had been, a practitioner thereof, as it is not necessary for an expert to still be a practitioner, as his knowledge of his profession does not cease on his retirement from practice.

As stated, the expert is summoned to interpret to the satisfaction of the jury the accepted scientific or technical thoughts upon such questions with which they are unfamiliar.

In order that his evidence be acceptable, he must offer a positive fact, otherwise his testimony will not be considered.

"Thus in dentistry, a question relating to the profession is to be considered. The jury, who usually are but ordinarily educated men, are not supposed to be versed in the science of dentistry; therefore an expert is called into the case to explain to the court and jury the facts under consideration. He is supposed not to give his biased opinion, but the accepted opinions of the profession at large on the subject.

There is a diversity of opinion on the subject usually, which renders it difficult to give an impartial opinion thereon. What the law requires is the FACT as to what the scientific thought is on the subject." (Garrison's American Sys. Dentistry.)

Books are not to be admitted in evidence, nor are their contents to be admitted, or to be imputed as expert testimony.

A professional man, if called to testify to an ordinary fact within his knowledge, cannot refuse to attend. Whether or not he can refuse to attend as an expert, is an undecided question in the United States. In England, extra compensation is given one for expert testimony. In the United States, two views are maintained. One favoring extra compensation, and laid down in the case of Buchanan *v.* The State, 59 Indiana, p. 1; in the case of Roelker *v.* Sprague, 276, in the U. S. District Court of Mass.; also in U. S. *v.* Howe, in the U. S. District Court for the western district of Ark. 12, Central Law Journal, 193.

Another class of cases denies the right of extra compensation. (*Ex parte* Dement, 53 Alabama, 389; Summer *v.* State, 5 Texas Court of Appeals, 374.—Garrison's Amer. System of Dentistry, Vol. III.)

This question of compensation of witnesses needs entire revision and appropriate legislation covering the whole of expert testimony. Certain states have already passed statutes upon this subject, *viz.:* Iowa, North Carolina, Rhode Island and Indiana. In the first three, the extra compensation is allowed, while in the latter it is denied.

In this unsettled condition it would be unsafe for an expert witness to refuse to testify without compensation in any state where no statute covers the question, as the power of the court to commit for contempt is practically unlimited, and not to be legally defined.

§ 7. THE DISTINCTION BETWEEN EXPERT AND COMMON WITNESSES.

The line between expert and non-expert witnesses, is not always clearly distinguishable. As a general rule, non-

experts are confined to a mere statement of facts. (Com. *v.* Wilson, 1 Gray, Mass., 337; Caleb *v.* State, 39 Miss., 722; Gehrke *v.* State, 13 Tex., 568; Clapp *v.* Fullerton, 34 N. Y., 190; Real *v.* People, 42 N. Y., 270.) And they cannot give an opinion upon a hypothetical statement of facts. (State *v.* Klinger, 46 Mo., 228; Farrel *v.* Brennan, 32 Mo., 328; Boardman *v.* Woodman, 47 N. H., 120; Dunham's Appeal, 27 Conn., 192; Weems *v.* Weems, 19 Md., 334; Eckert *v.* Flowry, 43 Pa., St. 49—Field's Medico-Legal Guide, sec. 9.)

The opinions of professional men are competent evidence, and in many cases are of much importance and justly worthy of consideration.

But it is the decision of the jury which is to govern, and this is to be formed upon the proof of the facts laid before them; but certain questions lie beyond the knowledge and experience of men in general, but within the scope of those whose pursuits constantly bring that special class of facts under their observation and consideration. The dental practitioner alone has the particular means of acquiring knowledge and experience in whatever relates to dentistry. Therefore, when a question arises in a judicial case upon the subject, and certain facts are testified to by other witnesses, a dentist may be called into the case to interpret and give his opinions as to the character of such facts.

Such opinions, when advanced by persons of considerable experience, in whose correctness and reliability of judgment just confidence can be had, are of great importance and justly deserving of the respectful consideration of the jury. On the other hand, the opinions of dental surgeons having but little experience, or undeveloped or visionary theories to support, are unworthy of consideration. The value of such testimony will depend principally upon the fidelity, experience and impartiality of the witness. When a dentist or other professional witnesses have attended the whole trial, and heard the testimony of other witnesses as to the facts and circumstances of the case at issue, they are not to judge of the credit or value of the testimony of the witnesses or the truth of the facts testified to by others. It

is for the jury to decide whether such facts are true or satisfactorily proven or verified by others.

§ 8. THE FIELD FOR DENTAL EXPERTS.

A dentist called in a case as an expert may be required to give his opinions on any question pertaining to dentistry. It perhaps is one relating to prosthetic dentistry, as in a civil suit, where the defendant alleged that an artificial denture made for said defendant was not properly adjusted to fit the mouth, and therefore was an unsuccessful operation, for which he did not intend to pay. The expert is called in to testify that, in his opinion, it was done as well as could be required of a dentist possessing *ordinary ability*, or his opinion may be the reverse. In criminal cases, when the defendant is charged with malpractice, where the injuries are alleged to be due to the improper administration of anæsthetics, medicines or causing the fracture of the maxilla; also, identification of dead or living persons by means of the teeth, etc.; the dental expert may be asked to give his opinions concerning any of these questions; in fine, upon anything that may be construed to come within the domains of dentistry.

He may be subpœnaed by either the plaintiff or defendant in the case; and in no wise is he responsible for the consequences of his opinions. By oath, he is bound to tell all and suppress nothing of what he conscientiously believes to be the TRUTH, no matter what may be the result to the accused.

§ 9. IDENTIFICATION BY MEANS OF THE TEETH.

This is one of the most important subjects for the careful consideration of dental experts.

All modes of identification have their disadvantages and defects, but the dental tests least of all. Frequently the absolute identification of a person, whether living or dead, is a difficult matter.

Cases are recorded where criminals have been identified by means of certain peculiarities of their teeth after all other

methods of positive identification have failed. Again, persons accused of murder and other crimes, have established their innocence, by proving that their own physical peculiarities and characteristics differed from the published descriptions of the supposed criminal, especially in cases where peculiarities of the teeth were considered reliable means of identification in the published description of the criminal. Notably, the celebrated case of the murder of the Chicago millionaire, Snell, by Tascott, can be cited as an illustration thereof; *viz.*:—A large reward was offered for the arrest of the murderer. Two years afterwards, a man named Sutherland was arrested in Philadelphia, under the belief that he was Tascott, the murderer. The proofs seemed conclusive, as his description apparently tallied with that of the published account of Tascott; but his innocence was primarily established, because it was proven that his teeth had not certain peculiarities (gold fillings in the central incisors) as those accredited to Tascott's. Eventually, on the production of other proofs of innocence, he was acquitted and liberated.

In the renowned case of Dr. Cronin, the Irish-American patriot, who was murdered in Chicago, although the body was identified and recognized by a number of witnesses, still his dentist was called to attend at the inquest, to give corroborative testimony regarding his teeth. Numerous other cases may be cited. It is often impossible to identify a corpse, even if no part of the body is missing, and in cases where mutilation has occurred (as usually in premeditated crimes, accidents, etc.), the difficulties are increased, and no test is more valuable than that afforded by dental jurisprudence.

When the identity of a corpse is suspected, and a doubt exists, especially as the clothing, hair, hands, ears, etc., afford no positive clue or proof, the dentist of the person, whom the deceased is supposed to be, is summoned to examine the teeth and mouth of the said deceased and therefrom testify, whether or not the peculiarities, etc., of the teeth are similar to those of his former patient, and thus establish identity or non-identity. He has available many and diverse

means for positive identification: as the presence or absence of teeth; the condition of the alveolar processes; the presence of dentures; fillings, or mechanical dentures and contrivances; irregularities in the arrangement of the teeth; state of decay, and many other peculiarities. He may have diagrams, records, models, or moulds of the mouth to rely upon, which give a precise means of identification, such as no other methods offer. In the identification by these means, the expert cannot be too cautious, and should observe the greatest care and discretion in presenting his evidence and in establishing his claims as to the identity or non-identity of the person. His proofs must be absolute to substantiate these claims. He has many adverse circumstances to combat, and unless he has examined the mouth of the supposed person but a short time previous to his death, it may be very difficult for him to remember the exact conditions of the teeth and mouth at that time, unless anomalies or unusual conditions exist. Thus, one or more of the teeth may have been extracted in the mean time, and of course there is a rearrangement of the alveolar processes due to absorption of the alveoli, and shrinking of the gums, presenting an entirely different condition than at the previous examination. Unless, under the circumstances, his proofs are conclusive, they are to be received merely as opinions and not as facts. The following cases are interesting, as practical illustrations of identification by means of the teeth, *viz.:*

Dr. Guy states that a doubtful case of identity in Edinburgh was decided by a dentist, who produced a cast of the gums, which he had taken before death.

So, also the remains of the Marchioness of Salisbury, discovered among the ruins of the Hatfield House, were identified by the jaw-bone having gold appendages for artificial teeth. (Guy's Forensic Med., p. 23.)

In Mr. Sargent's late history of Braddock's expedition (Philada., 1850, p. 227), is narrated a very interesting instance of identification by means of an artificial tooth.

Sir Peter Halket, in 1758, after the reduction of Fort DuQuesne, proceeded to the spot of Braddock's defeat for the

purpose of discovering, if possible, the remains of his father, who was there killed. "In reply to his anxious questions," we are told, "one of his tawny guides had already told Halket that he recollected, during the combat, to have seen an officer fall beneath such a remarkable tree as he should have no difficulty in recognizing: and at the same moment another, rushing to his side, was instantly shot down, and fell across his comrade's body. As they drew near the spot, the detachment was halted, and the Indians peered about through the trees to recall their memories of the scene. With speaking gesture, they briefly discoursed in their own tongue. Suddenly, and with a shrill cry, the Indian of whom we have spoken, sprang to the well-remembered tree. While the troops rested on their arms in a circle around, he and his companions searched among the thick, fallen leaves. In a moment, two gaunt skeletons were exposed, lying together, the one upon the other, as they had died. The hand that tore away their scalps had not disturbed their position; but no sign remained to distinguish the relics from the hundred others that strewed the ground. At the moment Sir Peter remembered him of a peculiar artificial tooth which his father bore. The bones were then separated, and an examination of those which lay uppermost at once solved all doubts.

"'It is my father!' exclaimed the unhappy youth, as he sunk into the arms of his scarce less affected friends."

A most singular case of disputed identity, in which there was between two persons such a similarity of name, time, place, age, occupation and circumstances, as for a long time utterly to perplex the investigation, occurred in London. The body of a woman supposed to have been murdered, was missing, and another woman was arrested upon suspicion of having secretly made way with her, and sold her remains for dissection. Both direct and circumstantial evidence brought the crime home to her. The day after the alleged murder, an old woman of the description of the supposed deceased was found, with a fractured thigh, lying exhausted in the streets. She gave her name as Caroline

Walsh, and said that she was from Ireland. She died, and was buried at the London Hospital. The name of the missing woman was also Caroline Walsh, and she was also Irish. The prisoner, Elizabeth Ross, insisted that this was the female whom she was accused of having murdered. Various points of difference were established by a large number of witnesses, but the chief distinction was that while it was stated that the missing woman had very perfect incisor teeth (a remarkable circumstance for her age, which was eighty-four), the other one, who died at the hospital, had no front teeth, and the alveolar cavities corresponding to them had been obliterated for a considerable time. Moreover, the non-identity was further confirmed by the granddaughters of the missing woman, who swore that the exhumed body of Caroline Walsh was not that of their grandmother.

There is great danger that on such occasions public opinion, feeling or passion may warp the judgment, and sometimes even pervert the facts.

The celebrated case of the body of Timothy Monroe being identified as that of William Morgan, the murdered free-mason, in 1827, will present a case fully in point. The proof from the testimony of Mrs. Morgan, and the family physician and others, seemed to leave scarcely any doubt on the subject. The bald head, grey beard, much hair on the breast, long white hairs in the ears, mark of innoculation on the left arm, the teeth double all around, two of them being extracted on the same side of the face, the dentist having the very teeth which fitted exactly, the marks of a surgical operation upon the large toe of the left foot, all seemed to be proof of a character that could leave little doubt remaining, notwithstanding that the clothes found on the body were different from any Morgan had ever worn; and his pockets were found to be full of tracts published by the British Tract Society. The verdict was that the body was that of William Morgan. Soon afterwards a Canadian advertisement for the body of Timothy Monroe, caused the remains to be disinterred, when, on the holding of a second inquest, it was dis-

covered that the teeth were not double all around in front, and that five had been extracted from this body, whereas Morgan had lost but two. The jury, fourteen days after the inquest, found the body to be that of Timothy Monroe. (Dean's Med. Jurisp., p. 616.)

The case of Madame Menetret, the retired French milliner, who was mysteriously murdered at Villemouble, but whose assassin had long eluded the closest search of the police, has just evolved a new feature, which is surprisingly like that which, a generation ago at Boston, identified Professor Webster as the slayer of Dr. Parkman. An artificial tooth has been found, the dentist who made it has sworn that he fitted it to the mouth of Madame Menetret, and the place where it was discovered, and attendant circumstances affix, with what looks terribly like certainty, the commission of the crime upon a woman named Euphrasie Mercier. This it will be remembered, is precisely what occurred in the Webster-Parkman case, and the counterpart to the incident which established the guilt of Webster, and who was hung for the crime.

Perhaps one of the most interesting cases in the annals of criminal jurisprudence, is the Webster-Parkman trial which occurred in Massachusetts. The following is a brief résumé of the case:—On November 24th, 1849, Dr. George Parkman, a wealthy and well-known resident, disappeared. He had been last seen at the medical college of Harvard University, in the company of the professor of chemistry, Dr. John W. Webster. A week after his disappearance, portions of human remains were found in a vault in Dr. Webster's laboratory; other parts were found in a tea-chest, while in a furnace were also found pieces of human bones. Among the ashes about one hundred and seventy-five grains of gold were discovered; also, a lower tooth, with a cavity in it, once filled by a dental operation, three blocks of mineral teeth with rivets, but without the gold plates, and a great many fragments of bone belonging to the skull and lower jaw. The bones and teeth appeared to have been exposed to intense heat.

Under ordinary medical experts, identification of these mutilated remains with that degree of certainty required by the criminal laws was impractical. One Dr. Keep not only identified the burned and mutilated jaw and teeth as those of Dr. Parkman in a manner which amounted to a demonstration, but also, from the melting and chemical effects produced, was enabled to say what had been the means employed to produce the partial destruction. The remains thus being identified, other evidence pointed so conclusively to Prof. Webster as the murderer, that on the eleventh day of the trial a verdict of guilty was reached by the jury. Dr. Webster eventually confessed this crime. His confession in a remarkable degree verified the particulars given by the dental expert. This case is cited by Dr. Chas. G. Garrison, in the American System of Dentistry, but a full report of the trial can be found in Wharton's Jurisprudence.

GOSS-UDDERZOOK CASE (76 PA. ST.).

But the most remarkable case in dental literature is the Goss-Udderzook case, which occurred in Maryland and Pennsylvania early in 1782. The particulars, in so far as they are necessary to a comprehension of the dental phase of the case, are here given in full:

On Feb. 3d, 1872, a Baltimore newspaper stated that W. S. Goss, residing 314 N. Eutaw street, had been burned to death in a cottage the previous night. This house was several miles out of the city, and the fire was supposed to have been caused by an explosion of chemicals, with which Goss was experimenting in making a substitute for india-rubber. The house was entirely consumed. The remains of a human body were drawn out of the building, the lower limbs destroyed and the features so burned or charred as to be beyond recognition. From the shape of the chest, neck and head the corpse was identified as that of W. S. Goss. Indeed, who else could any one suspect it to be? So the coroner held an inquest which rendered the verdict "that W. S. Goss came to his death by the explosion of an oil lamp."

The body was taken to Baltimore, and, after solemn funeral services, removed to the Baltimore Cemetery. While it lay at Eutaw street, the widow had no question as to the fact that the remains were those of her husband. She knew the contour of the neck, head and breast. Some ten or more witnesses testified to their belief in the same identity, regarding the recognition of the body as not difficult or doubtful.

In May, 1871, W. S. Goss had seemed to be seized with a sudden mania for insuring his life. He had insurance to the amount of $25,000, payable to his wife. His last policy was dated eight days prior to his "cremation." The stories of William E. Udderzook and A. C. Goss, brother-in-law and brother of W. S. Goss, conveyed the impression that "they knew too much," and led the insurance companies at once to inquire into the facts. While all disclosures tended to strengthen the suspicion of fraud, there was absolutely nothing in the way of direct demonstration. The companies refusing to pay the claims at maturity, suits were promptly instituted under each policy.

At the inquest it was observed that, although the extremities were more or less consumed, the head was entire, and it was believed the bones of the skull, including the teeth were uninjured. Any peculiarity of the teeth, whether natural or arising from mechanical dentistry, might at once determine the question of identity of these remains. An effort was made to obtain a description of any peculiarity, if it existed, for the purpose indicated. In pursuance of this information every dentist in Baltimore was interrogated, but with only negative results. So far as could be ascertained, Goss was known to have unusually good teeth, which were conspicuous in his ordinary conversation and fully exposed when he laughed. From no source could it be learned that he had had occasion to employ a dentist.

Mrs. Goss had testified before the coroner to certain facts touching the *personnel* of the supposed deceased. She was therefore requested to make a more elaborate description, especially of his teeth, and to grant permission for the exhumation and examination of the remains. This was the

proposition in regard to the teeth: Furnish "description of his teeth, their quality and appearance; whether wholly or partially sound or defective, natural or artificial; whether he had any peculiar teeth, had lost any, and how many and what teeth; had any teeth been broken, and how many and what teeth, and how broken; had any teeth been filled or otherwise operated upon by a dentist, and how, where and when operated upon, and by what dentist." Her reply was: "He wore no artificial teeth, to my knowledge, never complained of pain or inconvenience from decayed teeth, and I do not remember his requiring the services of a dentist during the time we lived together. I should call his front teeth quite regular."

The remains were exhumed and examined in the Baltimore College of Dental Surgery by Professor F. T. Miles, M.D.; R. Wysong, M.D.; Prof. E. Lloyd Howard, M.D.; and Prof. F. J. S. Gorgas, M.D., D.D.S. The medical experts, who examined the exhumed body, were able to say little that could throw light on its identity with W. S. Goss except in the matter of teeth. The physicians stated: (1) The remains were those of a male; (2) he was not a negro; (3) he was between the ages of twenty-five and fifty years; (4) he was of fair average height, of stout build, and of great muscular strength; (5) it is impossible to determine whether the burning was the cause of death or was post-mortem.

But Prof. Gorgas, the dentist, was able to give more valuable opinions. The maxillary bones and teeth were thus fully described by him:

"Condition of Maxillary or Jaw-Bones.—*Superior Maxillary*—Perfect, except margin of alveolar process. *Inferior Maxillary*—A portion of the external surface of body of the bone below the alveolar process and to the right of median line, including the right mental foramen, destroyed for a space of two and a half inches long and one inch broad or wide; the bone otherwise perfect.

"Number of teeth remaining in upper jaw, two; number of teeth remaining in lower jaw (including one root of tooth), seven.

"CONDITION OF THE TWO TEETH IN UPPER JAW.—*Superior Right Second Bicuspid*—A superficial carious cavity on posterior proximal surface. Cusps on grinding surface worn away by mechanical abrasion, but not so much as wholly to obliterate the natural depressions on this surface. *Superior Right Third Molar*—Perfectly sound.

"CONDITION OF THE SEVEN TEETH IN LOWER JAW.—*Root of Inferior Right Central Incisor*—The crown evidently destroyed by caries to a point below free margin of the gum before death. *Inferior Right Lateral Incisor*—Perfectly sound. *Inferior Right Canine*—Sound; angle worn away by mechanical abrasion. *Inferior Left Central Incisor*—Various cavities on both proximal surfaces, which communicated. *Inferior Left Canine*—Carious cavity on the anterior proximal surface. *Inferior Left Second Bicuspid*—Small carious cavity on the anterior proximal surface. *Inferior Left Third Molar*—Large carious cavity on the buccal surface, near neck; also a superficial cavity on grinding surface. Grinding surface worn by mechanical abrasion, so as almost to obliterate the natural depressions on the surface.

"FORM OF IRREGULARITY OF INFERIOR FRONT TEETH.—Proximal surfaces of the inferior right lateral incisor and inferior left central incisor approach near together at the cutting edges, caused by the loss of the crown of the right central incisor, the root of this latter tooth remaining in the alveolar cavity."

No tokens of the wearing of any artificial teeth were discovered. This careful and critical examination could not be reconciled with the statement of Mrs. Goss describing the mouth of her husband. As Mrs. Goss had been married to W. S. Goss fourteen years, during which time they had lived together, it was fair to presume she necessarily would have heard complaints of pain and inconvenience from such badly decayed teeth and jaws; that she would have remembered the required services of the dentist who had extracted so many of the teeth; and that she would not have called such front teeth "quite regular."

The trial began May 27th, 1873, in the Circuit Court of

the United States. The defense was conducted by counsel of the several insurance companies interested, all of whom were members of the Baltimore bar. The descriptions of W. S. Goss given at the trial were so singularly consistent with one another as to show him to have been a man of very marked and noticeable form of face. Especially he was said to have had unusually large, fine teeth. Upon the trial, then, these teeth formed the defendants' *piece de resistance.* Their witnesses stated that they had often noticed them when Goss talked or smiled.

The companies broke down in the attempt to prove that W. S. Goss had been alive since February 2nd, 1872. Their counsel, however, came up manfully to the more difficult task of proving affirmatively that the corpse was that of some other person than the insured.

Prof. E. Lloyd Howard testified (in regard to body exhumed):

"Of the sixteen teeth belonging to the upper jaw, nine had been lost before death; by that I mean some time before death. There remained in the upper jaw two teeth; there had fallen out since death three teeth; and two sockets which had once contained teeth were shallow, so that it was uncertain whether these teeth had been lost before or after death. Nine of the sixteen teeth were certainly lost long before death, and two others possibly were. One of the teeth lost in the upper jaw was a front tooth. Of the teeth belonging to the lower jaw, seven were lost long before death. One tooth had been partially destroyed by disease. One root of a tooth and eight teeth remained in the jaw. Of the seven teeth lost, six were back teeth, and one was a front tooth, and the one of which the root only remained, was a front tooth. This would have given the appearance of two front teeth lost from the lower jaw.

"Of the thirty-two teeth, sixteen were unquestionably lost before death, and of the sixteen remaining, one was only a root in the socket. The crowns of two of the front teeth approached each other over where a tooth had been lost. In the upper jaw the palatine canal, which perforates the roof

of the mouth just behind the two middle front teeth, was greatly enlarged by an abscess which had existed previous to death, and which abscess communicated with the diseased cavity of one of the front teeth. The abscess appeared to have formed about the root of the tooth. In our opinion, this abscess, communicating with the cavity in the bone, had absorbed or eaten through the bone to that extent, forming an opening between the socket of the tooth and this anterior palatine canal. It must have been considerably diseased to have left such lesions in the bone. It could not have been otherwise than very painful. We judged from the facts pointed out that the other teeth over the diseased root must have approached each other, giving a crooked, irregular appearance. (Plaster model of mouth handed to witness.) I have examined the model before, and found it corresponded very accurately with the jaws we examined."

Prof. F. J. S. Gorgas, who united in the report of the examination of the remains, and had prepared plaster casts of the mouth which were used by witnesses in their testimony relative to the teeth, was unable to testify, being absent on account of the illness of a daughter who was on a visit to a Western city. Dr. Gorgas's evidence being unattainable, Dr. Robert Arthur was called for the defendants, and testified:

"I have practiced the profession of dentistry for thirty-two years. (Plaster models of the mouth of subject handed to witness.) The operations of nature after a loss of teeth during life are such as to leave it a matter of no possible scientific doubt whether teeth have been lost before or after death, provided they have been lost a certain time before death. Looking at this model of the lower jaw, speaking as a scientific expert, I would say these teeth were lost, with the exception of the two from these two cavities (referring to the two where the teeth had fallen out since death), certainly more than two years before the death of the subject. In this model of the upper jaw, three of the teeth I should say were recently lost. The tooth next to the front tooth has been lost unquestionably from one to two years. The

absorption seems to have been complete, but the eye-tooth and the tooth next to it seem not to have been lost so long; the absorption has not been completed. I should infer from the small cavities that the front tooth had been lost some time before death. Obviously, there was a great deal of disease here; there must have been much physical pain. This place where the penetration appears to have taken place in the roof, the mouth shows a perforation through the bone communicating with the socket of the teeth. The teeth must have been very much diseased to have got into this condition. Not within my experience have so many teeth been lost without the patient suffering great pain, and of necessity requiring the services of a dentist. In masticating ordinary food the patient must have found great difficulty. He must have eaten with great discomfort. I would not by any means call the person's front teeth 'quite regular.' Teeth that are absent could scarcely be called regular. Even the teeth of the lower jaw must have presented a very irregular appearance."

Dr. Charles H. Ohr, of Cumberland (plaster casts of the mouth of the exhumed subject handed to witness): "It was a very irregular set. In my judgment, he required the services of a dentist on more occasions than one, and had suffered a great deal of pain on account of diseased teeth. There is very little surface here for mastication or chewing of food. The grinding teeth are not opposite each other in such a way as to enable the person to masticate ordinary, usual food. The abscess at the roof of the mouth would have produced intense pain."

The case was given to the jury, who returned a verdict in favor of Mrs. Goss for full amount of insurance, with interest added. Defendants' counsel gave notice of motion for a new trial.

This was the end of the first act. Tragic events followed. The verdict was rendered June 6th, 1873. Almost directly after this (July 1st or 2nd), the motion still pending, news came that the body of a murdered man had been discovered in Chester county, Pennsylvania. The story was that Wil-

liam E. Udderzook arrived there June 30th, accompanied by a man whom Udderzook spoke of as a friend, but did not mention any name. A jury of inquest found "that the same man (name unknown) came to his death from wounds inflicted by a dirk-knife or other sharp instrument in the hands of William E. Udderzook, of Baltimore, Maryland."

The fact of Udderzook having been principal witness of the fire on the York Road, coupled with the fact that the remains of the missing stranger bore a striking resemblance to the description of Goss, attracted attention. A careful investigation was at once commenced. All the measurements of the body, muscular development, figure, and general appearance, corresponded accurately with the well-known description of Winfield S. Goss. The teeth were remarkably good, regular, even, and well preserved. The remains were fully identified by Baltimore citizens who knew Goss intimately during his lifetime.

Udderzook was arrested July 15th, and on the 21st of October following the case came to trial.

The indictment contained two counts—one charging the prisoner with the murder of W. S. Goss, the other charging him with the murder of a person unknown. The defendant's counsel insisted that the prosecution should decide upon which count it would proceed. The district attorney boldly announced his resolution to elect the count for the murder of W. S. Goss. The State thus assumed the double burden of proving not only the murder, but also the identity of the murdered man with one who, there was at least strong evidence to show, had died a year and a half before the alleged commission of the crime. The charge of killing W. S. Goss, however, opened at once an immense field of testimony, otherwise incomplete and altogether meaningless, in which the motive became abundantly apparent. Obviously, by the fearless assumption of the greater burden lay also the greater —indeed, the only—assurance of success.

The State made out an elaborate and perfect narrative, no material part of which was powerfully assailed by the prisoner. Udderzook really presented nothing worthy to be

called a defense. He did not produce A. C. Wilson (*alias* W. S. Goss) or any trace of him; he did not explain who Wilson was, or what was the origin of his own acquaintance or the nature of his own connection with that mysterious person, who was allowed to cross the scene, coming out of mystery, and in a few months plunging again into even more profound obscurity, and during his brief sojourn in the known world proved to have had prior acquaintance with no persons save Udderzook and A. C. Goss.

Dr. E. W. Bailey testified: "I found the front teeth, the four upper incisors, and the four below, had been driven back into the mouth; two of them were lying loose on the tongue and the others were adhering. I removed them all from the mouth, and have kept them in my possession. The person had what I would call a very good set of teeth; they were firm and large, and appeared healthy and strong."

Dr. E. Lloyd Howard: "The upper front teeth had been driven back into the mouth, carrying with them a part of the sockets of the teeth. I found ten teeth remaining in the upper jaw, and open, fresh sockets from which four others had been removed recently. Two upper teeth had been lost previous to death. In the lower jaw I found nine teeth remaining in position, and evidence that five others had been lost immediately after death or immediately preceding it. There were evidences of two lower-jaw teeth having been lost some months previous to death. At the time of death he must have had twenty-eight teeth in all remaining in his mouth. The teeth lost previous to death, both in the upper and lower jaw, were back teeth. The general appearance and character of his teeth were perfectly good. They were white, even, and regular. There were three or four gold fillings, and there were slight marks of disease upon two teeth."

The evidence completely overwhelmed Udderzook on his trial. The verdict was murder in the first degree.

The counsel for the defendant had taken a great many exceptions, all relating to facts and circumstances bearing on the question of identity, but not one of them was ultimately

sustained by the Supreme Court of Pennsylvania. Their multitude only denotes that the circumstances were numerous, and in this multiplication consists the strength of the proof.

(For other cases bearing on this question, the reader is directed to the very suggestive and original paper of Dr. Richard Grady, read before the Maryland and District of Columbia Dental Association, at Baltimore, October, 1883, and reprinted in the American Journal of Dental Science, for January, 1884, and in pamphlet form.)

Teeth may determine age. The first, second and third molars are cut respectively in the seventh, fourteenth and twenty-first year.

At nine years, there will generally be 12 permanent teeth, *viz.*, 8 incisors and 4 molars. At thirteen years, there will be 20 teeth, *viz.*, 8 incisors, 4 canines, 4 bicuspids and 4 molars. In examining 1,046 children of known age, Mr. Saunders found that out of 708 children, of nine years of age, 389 had the full development of teeth for their age.

But on the principle urged by him that where the teeth of one side are fully developed, those of the other side should also be reckoned, 530 came up to the standard. Of the remainder, none would have varied more than a year from the standard, and these always by deficiency. Again, of 338 children of thirteen years of age, no less than 294 might, from their teeth, have been pronounced with confidence to be of age. Of the remaining 44, thirty-six would have been judged to be in their thirteenth year, and eight, at or about the completion of their twelfth year. (Tidy's Leg. Med., 1883, p. 210.) The wisdom teeth, it was said by Cockburn, C. J., in the Tichbourne case, are the last to come and the first to go. But the last part of this assertion is by no means universally true, and the teeth, as a rule, harden with age. (Wharton & Stillé, Med. Juris., Vol. 3, sec. 634.)

§ 10. THE LEGAL PROTECTION AFFORDED THE DENTIST BY THE DEGREE OF D.D.S.—THE LIMITATIONS OF THE PRACTICE OF DENTISTRY.—THE LEGAL RIGHT OF THE DENTIST TO ADMINISTER REMEDIES SYSTEMICALLY.

In considering the legal protection afforded the dentist by the degree of D.D.S., the two important subjects—"the legal right of the dental practitioner to perform any and all operations within the limitations or domain of dentistry," and "the legal right to administer remedies systemically," —that have provoked much discussion, and, seemingly, are yet undecided, are presented for conclusive legal interpretation and decision.

In discussing these questions, it is of first importance to describe the "limitations of the practice of dentistry," or, in other words, what may properly be considered as included in the professional duties of the dentist? Undoubtedly, the care of the teeth when sound, the treatment of their deformities when unsound and unhealthy, and the adaptation of substitutes for them when by age, accident or disease they are lost. It also includes the extraction and filling of the teeth, and other operations upon them, their alveolar processes, and, in some cases, upon the adjacent bones; transplantation, replantation and implantation of the teeth; the treatment of the diseases of the teeth, gums, antrum—surgically, medicinally, or by both. These latter operations mark the limit which separates dentistry and oral surgery. He must be competent to perform any operation, treat any disease or pathological condition pertaining to the dental organs, and adopt and practice such systemic treatments as are promulgated by the body of the profession.

A prominent dentist erroneously asserted that M.D. is the only degree that can protect the dentist, even in serious results following surgical operations. The law will not find him blameless who essays operations from which evil results follow, without this degree. This statement is mere fallacy. That a dentist is licensed to perform any and all

operations within the domain of dental surgery, there can be no dispute, providing, of course, he complies with all the laws and enactments regulating the practice of dentistry in the country, State or county within which he resides. He is expected to render his patient the best services and treatment his ability will allow. The law expects and demands that he be possessed of an average amount of skill and knowledge of his profession; if he lacks that, or neglects to use it judicially in the treatment of a case, or in a surgical operation, he is liable for malpractice, if serious results follow any operation he may perform.

Like other scientific professions, dentistry is progressive; naturally, its field of operations has become extended within late years, and operations that, in former years, were not allowable, are now perfectly legitimate. So, also, with the medical profession. Many operations are performed, perfectly legitimate, that formerly would not have been countenanced by the law, if serious results had followed, and it had been made a case at law. However, a dentist cannot experiment with his patients to their injury without liability to damages for the same. This doctrine was decided in the cases Potter *v.* Wiggins, 51, Me., 594, and Slater *v.* Barker, 2 Wils., 359, and is quoted elsewhere in this work.

But, a dentist, in performing an operation or treating a case, whatever its nature, may have a new method of treatment or operation suggest itself to him. It may be only a deviation from or improvement of the old method. However, if he has good reasons, and could prove that it possessed advantages over the old method, he is privileged to practice the same, or, when such operations become popular and accepted by the body of the profession as practical and beneficial to mankind, then, and then only, is he, according to the accepted views of the courts, licensed to perform them. Naturally, in certain operations, the circumstances may vary; each case may present different features, and, of course, it is not to be expected that every one will be successful. However, the physician or dentist will not be held liable for adverse results, if he can prove that he pur-

sued the course of treatment or method of operating advocated by others in cases of the same nature, and used an ordinary degree of skill and knowledge. He can vary the treatment and method adopted by others, if he can give sufficient good reasons for doing so, and prove to the satisfaction of the court that they are founded on good judgment and authority.

As stated, day by day new operations are discovered, legitimized, and added to the science of dentistry. Those that are adopted and adjudged by the body of the profession necessary for the benefit and advancement of the health of mankind, the dentist is expected to practice, at least that is what the community and his patients expect of him, *viz.*, that he gives the best services, and the benefit of any new discovery in science. In court, the expert testimony, the lawyers and jury would determine if such knowledge was required of one who possessed an average degree of skill and knowledge of his profession, where negligence and want of this skill and knowledge was the charge against the dentist.

Certain dentists question their legal right to administer anæsthetics. These views are erroneous, as it is expected of the dentist, that where in an operation he can mitigate or lessen the pain, he shall do so, and if the operation demands it, he shall administer an anæsthetic. Referring to "Suits for Injuries from Anæsthetics" (sec. 27), we find that the skill demanded of him is held to include all the known rules the experience and wisdom of the profession have discovered and advocated. He must thoroughly understand all of the practical details of the operation, which the court would hold to constitute only ordinary skill. If he can prove that he thoroughly understands the modes of administration of anæsthetics, precautions to be observed, etc., he is not liable for adverse results, if he applied his knowledge to the case at issue.

A prominent dentist made the following erroneous statement: "If a dentist should administer an anæsthetic, and the patient should die, what is the result? The physician can give a death certificate, but the dentist cannot." This

is absurd. If the patient dies while under the effects of an anæsthetic during an operation, the physician must notify the coroner just the same as a dentist would have to do, and cannot give a death certificate in such cases. If he cannot prove that he used the requisite skill, as stated above, he would be held liable the same as a dentist would be under similar circumstances.

Some dentists doubt their legal right to treat cases by internal medication. This belief should be corrected, as it all depends upon their ability. Dentists must prescribe medicines in certain cases, for instance: In the treatment of carious teeth, or any pathological conditions of the dental organs of a patient in an anæmic condition, due to improper food and nourishment; where is the well-educated dentist who does not recognize the fact that in order to ensure success in his operations and treatment, he must prescribe tonics, perhaps a change of diet, and treat his patient constitutionally, producing a tonicite on the general system. In the South, the dentists prescribe quinine for the cure of malarial neuralgia, without the use of instruments. In tregiminol neuralgia, in most cases, relief can only be obtained by constitutional treatment, also in the severe forms of alveolar abcesses, internal medication is absolutely necessary.

If it be granted that the dentist is licensed to treat every disease and perform all operations in dentistry, how can he be successful, if at the very outset he is handicapped by his inability to prescribe such remedies as are beneficial, and which the case indicates and requires? If it be admitted, and it cannot be otherwise, that we are licensed to treat all such cases, where can the responsibility rest if adverse results occur in cases where internal treatments have been used, providing a legitimate course of treatment was pursued in the case?

A dentist certainly should be held responsible for neglect if he does not use internal treatment in cases that positively require it, and where failure can be attributed to this negligence or want of skill and knowledge. Of course, it is not expected that he prescribe remedies, unless he is thoroughly

conversant with their effects, and the proper mode of administering them, etc. He certainly should and would be mulcted if he administered remedies without such thorough understanding and knowledge.

§ 11. MALPRACTICE—WHAT CONSTITUTES DENTAL MALPRACTICE?

Dental malpractice may be defined as bad or unskilled practice in a dental surgeon, whereby an unskillful operation is performed, the health of the patient injured or his life destroyed by the improper and careless administration of medicines or anæsthetics.

§ 12. THE VARIOUS KINDS OF DENTAL MALPRACTICE.

The various kinds of malpractice may be grouped under three heads or forms, *viz.*, willful, negligent and ignorant.

Willful malpractice occurs when a dentist performs an operation which he knows and expects will result in damage to the health, injury to the person, or the death of the individual under care or treatment.

Negligent malpractice comprehends those cases where there is no criminal intent, but gross negligence of the attention which the case requires: as, when a dentist would endeavor to perform an operation in a state of intoxication, from which an injury may result to the patient.

Ignorant malpractice takes place when a dentist performs operations or treatments, which would result in harm or injury to the patient, and which a well educated dentist would consider improper and not applicable to the case at issue.

§ 13. THE DENTIST AS A DEFENDANT—CRIMINAL AND CIVIL PROSECUTIONS.

Cases in which dental malpractice is alleged, may give rise to the criminal prosecution of the dentist, or civil action for malpractice.

In criminal prosecutions the State indicts the practitioner as a criminal for the injury to health, or causing the death of a person by unlawful means.

The greatest number of these criminal actions for homicide arise in cases where death has resulted from the administration of an anæsthetic agent, particularly chloroform.

The penal statutes of various states provide generally for the punishment of physicians, surgeons, dentists, and others, for negligence or misconduct in their professional employment or business, which causes the death of some person.

In New York, the Penal Code provides, as follows:

"SEC. 195. A person who by any act, or negligence, or misconduct in a business or employment in which he is engaged, or by any unlawful, negligent or reckless act, occasions the death of a human being, is guilty of manslaughter in the second degree.

"SEC. 202. Manslaughter in the second degree is punishable by imprisonment for not less than one year nor more than fifteen years, or by a fine of not more than one thousand dollars, or both."

Civil suits for damages against dental practitioners are generally brought upon the claim or allegation that the dentist has inflicted some injury on the plaintiff (his patient)—as that he fractured the jaw in the extraction of a tooth, or inflicted injury in some operation, or destroyed or injured the health by permitting a tooth or other foreign substance to be swallowed by the patient, or by the administration of the anæsthetic, and the plaintiff asks the court to award him adequate pecuniary damages for the injury he has suffered. In these cases the plaintiff must establish to the satisfaction of the court that he suffered an actual injury, and that such injury was received at the hands of the defendant.

To prove that he is the recipient of the injury complained of, the plaintiff must submit conclusive evidence to establish the fact, as the affidavit or testimony of a reputable physician, surgeon, dentist, or other witness. It may involve an examination of the plaintiff, with a view to detect whether the claim be not spurious. If the facts be established that the plaintiff is injured, and the defendant is responsible for such injury, the legal questions then arise: Was the injury

accidental? Could it have been avoided by the use of other methods of operation or treatment than those employed by the defendant? Did he use the ordinary skill required of him by law? Or was he guilty of negligence in any degree? It then devolves upon the plaintiff to establish the fact that he in no way contributed toward the injury, either by an action or negligence on his part.

In all prosecutions, whether a civil action or a criminal one for malpractice, the degree of skill the defendant used in the performance of the operation, or the treatment of the plaintiff, and whether he was guilty of negligence in any degree, or the plaintiff, in any way by his own negligence, contributed to the injury, are the most important propositions considered to enable the jury to arrive at a just conclusion. One proposition is dependent upon the other, because if a dentist lacks ordinary skill, though he be careful, still he is liable for malpractice; on the other hand, no matter how skilful he is, if he is negligent he is also liable.

The consideration of the degree of skill required by law of a dental practitioner in his professional duties, is of first importance.

§ 14. THE DEGREE OF SKILL REQUIRED.

In the performance of all dental operations, the dentist is bound and required to use at least ordinary skill. He must adopt the means and apply the skill and treatments advocated by the highest and best authorities in his profession. He must possess and practically use that degree of skill and amount of knowledge and science, which leading authorities have pronounced as the result of their researches and experience up to the present time or within a reasonable time before the issue or question to be decided is made. (Ellwell on Malpractice, 55; Amer. Law. Reg. N. S., 774; see also 8 East Eng., 347; 1 H. Bl., Eng., 61; McCandless *v.* McWha., 22 Pa. St., 261; 27 N. H., 460; 13 B. Mon., 219; Shear & Redf. on Negligence, sec. 440; McLalon *v.* Adams, 19 Pick Mass., 333; Carpenter *v.* Blake, 60 Barb., 488; Patten *v.* Wiggins, 51 Me., 594; Rex *v.* Long, 4 C. and P.)

The general rule as stated is, as follows:—That a dentist who performs any dental operation for a fee, is liable for such want of ordinary skill or diligence on his part that would result in injury to his patient or unstability of his operations. It is not sufficient, to render him liable, to prove that the defendant used a less degree of skill than some other dentist might have used, nor is it enough that he himself acknowledges some degree of want of care or skill exercised; there must have been an absence of competent or ordinary skill and care used, and to such a degree as to cause adverse results. The law does not countenance empiricism, and at the same time does not expect a dentist to possess the most thorough dental education and experience, but it does require that an uneducated man shall not, under the pretense of being a well qualified dentist, recklessly perform dental operations or treatments.

Should the practitioner inform his patient of his want of skill or knowledge, or the patient by some other means learned the fact, the latter cannot complain of that which he knew did not exist.

Under certain circumstances, a dentist, though inexperienced and unlearned, may undertake an operation, and in such cases he is expected to use the best skill and judgment he may possess. For instance, a dentist before administering an anæsthetic must learn the physical condition of his patient, whether he suffers from heart, lung, or any other organic diseases. Or he should have a physician make such examination, if he himself is incapable, or have the physician of the patient certify that the latter is in fit physical condition to inhale an anæsthetic. A dentist should protect himself, because an accident might occur during or after anæsthesia, caused by some organic trouble, and a jury might mulct a dentist if it could be proven that he did not observe such precautions.

Wilcox says: "Want of skill does not mean the want of the greatest possible professional talent or attainments, still less does it signify the having erred in opinion or mode of treatment, but the want of that general or ordinary knowl-

edge of the profession, which the law expects of every man who ventures to proclaim himself a member of it, or a total want of professional skill and knowledge in a particular operation which he has undertaken."

In a recent English case the Court said: "To render a surgeon liable, even civilly, for negligence or want of due skill, it is not enough that there has been a less degree of skill than some other professional man might have shown, there must have been a want of competent and ordinary skill and to such a degree as to have led to bad results."

§ 15. NOT BOUND TO USE THE HIGHEST DEGREE OF SKILL.

Again, a dentist is not bound to use the highest degree of skill, but he must use reasonable skill and diligence, and in judging of this, regard must be had to the advance in medical and surgical knowledge and improvements of recent times. (This decision is quoted from the medical cases, Smithers *v.* Hawks, 34 Ia., 286; 11 Am. Rep., 141; Almon *v.* Nugent, 34 Ia., 300; Haire *v.* Reese, 7 Phila., Pa., 138; Lamphier *v.* Phipos, 14 Neb., 403; Ellwell on Malpractice, 22, 24, 204; Field's Medico-Legal Guide, 213; Patten *v.* Wiggins, 51 Me., 594; Carpenter *v.* Blake, 5 N. Y., 696; Reynolds *v.* Graves, 3 Wis., 416.)

The law requires of the dentist reasonable skill and diligence in the treatment of patients and performance of his operations. Dentists would be held liable in damages for injuries inflicted in their professional practice and operations, arising from the want of proper care, skill, and attainments in their profession. In the case Simonds *v.* Henery (39 Maine, 155), the jury was instructed that if the surgeon used all the knowledge and skill to which the art of medicine had at that time advanced, nothing more would be required of him. An exception being taken to this charge, the Supreme Court said: "It is undoubtedly correct that no more would be required of him." But upon legal principles could so much be required of him? We think not. If it could, then every professional man would be bound to possess the highest

attainments and exercise the greatest skill in his profession. Such a requirement would be unreasonable.

"The diligence and skill required are reasonable or ordinary skill or diligence, such as are manifested or possessed by the profession as a body; not the highest degree of skill, not that skill which is possessed only by the most eminent of the profession." (McClelland's Civil Malpractice, p. 521.) Many other legal decisions are cited.

Ordinary care is not a fixed and unalterable standard of care, but is to be determined by the facts of each particular case, and is as variable as the cases. (42 Iowa, 443.)

The science of dentistry is constantly changing and advancing. New treatments and operations are continually being discovered and advocated by the body of the profession, consequently the standard of "ordinary" knowledge and skill varies. Many methods of operating and treatments are abandoned and superseded by others. When such changes become generally known and adopted in a particular locality, they become "ordinary;" therefore dental practitioners of such localities are responsible for a knowledge of these changes and expected to practice them.

The Supreme Court in the case of McCandless *v.* McWha. (22 Pa. St., 261), rendered the following opinion: "The standard of ordinary skill is on the advance; and he who would not be found wanting, must apply himself with all the diligence to the most accredited sources of knowledge." There is a distinction to be noted between things certain and uncertain in medical science and practice in fixing responsibility. It has been demonstrated that "ordinary" knowledge may become ordinary in its application. This is true in dentistry as well as in medicine. For instance, there may be two or more remedies for the same disease or symptom; there may be different instruments used to perform the same operation; there may be uncertainties as to how ordinary medicines are to be administered in cases of complicated diseases. In such cases a physician or dentist may have to rely on his own judgment and responsibility, and

where reasonable doubt exists he is not liable for adverse results, if he does the best he can under the circumstances.

§ 16. A DENTIST CANNOT EXPERIMENT WITH HIS PATIENTS.

A dentist must exercise judgment and care in undertaking to perform a new operation or use a new instrument. He cannot interpose his judgment contrary to what has become a settled practice or custom.

"Should injury result from experimentation with his patient, he can be held liable in damages for the same." (Patten *v.* Wiggins, 51 Me., 594.)

Experimentation with new instruments and methods is dangerous for the first time.

In the case of Slater *v.* Baker, 2 Wils., 359: "Two surgeons used a new instrument on the leg of a patient which had been broken, for the purpose of lengthening or straightening it."

An action for malpractice was brought against the surgeons. The substance of the opinion and ruling of the court was, as follows: "That it appeared to the Court that it was the first experiment with the new instrument. If it was, it was a rash action; and he who acts rashly, acts ignorantly. And though the defendants may be as skillful in their respective professions as any two gentlemen in England, yet the Court cannot help saying that in this particular case they acted ignorantly, and contrary to the known rules and usages of surgeons."

However, if a dental practitioner has a new mode of operating or treatment suggest itself to him as applicable to the case, and it is founded on good judgment, and, furthermore, he could prove that it was advantageous over the old methods in vogue, or that it was the only one available, he is privileged to practice the same; and there is no doubt but that the jury would exonerate him, if the injury could not be directly attributed to an unskillful and imprudent operation.

When such operations are adopted and advocated by

the body of the profession, according to the accepted views of the courts, their legality is established beyond question.

§ 17. THE QUESTION OF ABILITIES DECIDED BY THE JURY.

In each case the jury decides whether or not the defendant possesses ordinary skill, there being no fixed rule on the subject.

It will not be sufficient for a dentist to say that he acted to the best of his abilities, because he should have formed a more just estimate of his own capabilities, before he undertook the case.

The actual amount of "ordinary skill" varies widely among men in the same profession, but it must be sufficient to enable him without fraud to assume the responsibility of his profession, otherwise every professional act and injury at his hands is a fraud. As the cases are variable, it would be impossible to lay down any requisite standard of skill, the want of which would in any particular case, hold the practitioner liable in malpractice.

To prove that he possesses the ordinary skill the dentist may adduce evidence to establish the existence of such skill, irrespective of the particular case. This may be shown by those of the same profession, who can speak from personal knowledge of his practice.

§ 18. THE STANDARD OF SKILL VARIES ACCORDING TO THE CIRCUMSTANCES AND LOCALITIES.

Even in the same country, state or locality the degree of skill required of the dental practitioner may vary according to the circumstances. It must be taken into consideration that in country towns and in unsettled portions of the country remote from cities, the dentist has not the advantages requisite to attaining the latest knowledge, both practical and theoretical, of all the dental sciences, because he cannot have intercourse with the leading and best authorities as is afforded the city practitioner; and therefore he may not have kept apace with the progress attained in dental operations; consequently, he is not expected to be as well versed

in them as a dentist residing in a large city; and it would be unreasonable to exact from one in such circumstances that high skill which a dentist having the greater opportunities for observation and experience, would be expected to possess.

To cite a medical case in support of these views: "An action was brought against a physician and surgeon for not properly treating a wound on the plaintiff's wrist. There was evidence that the wound was a severe one, requiring considerable skill in its treatment, and that the defendant had no experience in surgery beyond that usually possessed by country physicians, and that an eminent surgeon lived within four miles of the defendant, and that the latter was physically able, if he so directed, to have visited any other surgeon than the defendant. At the request of the plaintiff the judge instructed the jury that if the defendant had not the requisite skill and experience to treat the wound, he should have temporarily dressed it, and recommended the plaintiff to a more skillful surgeon. He also instructed the jury against the objections of the plaintiff's counsel, that the implied contract of a physician and surgeon, was that he possessed that reasonable degree of learning, skill and experience which is ordinarily possessed by others of his profession, having regard to the advanced state of the science of surgery, 'and that the defendant was bound to possess that skill only which physicians and surgeons of ordinary ability and skill practicing in similar localities, with opportunities for no larger experience ordinarily possess, and that he was not bound to possess that high degree of art and skill possessed by eminent surgeons in large cities, and making a specialty of the practice of surgery; and that the rule applicable to the case was not applicable to physicians and surgeons alone, and was not confined to other members of the learned professions, but was equally applicable to all persons holding themselves out as possessing special skill in the business in which they are engaged.'" Held the plaintiff had no ground for exceptions. (Small *v.* Howard, 128 Mass., 131, 1880.)

In the case of Mallen *v.* Boynton, 132 Mass., 443, 1882, the judge instructed the jury, as follows: That if the practitioner had not the requisite skill to give the broken arm the treatment, he should have dressed it temporarily and recommended the plaintiff to a more skillful surgeon.

These principles are applicable to the dentist as well as the physician and surgeon.

§ 19. WHERE LIFE IS ENDANGERED, A GREATER DEGREE OF SKILL IS REQUIRED OF THE DENTIST.

A much stricter standard of skill than ordinarily, is required of the dentist when he assumes to perform an operation that may endanger the life of the patient. (Cayzer *v.* Taylor, 10 Gray, 280; Fletcher *v.* Boston, 1 Allen, 9.—Willard on Torts, Vol. 1, p. 118.) What would be "ordinary skill" in one case, would be gross negligence in the other. Here, the legal interpretation of "ordinary skill," is held to include all the knowledge and experience the profession has attained on the subject, particularly is it the case in the administration of anæsthetics.

"The standard of skill required may vary according to the condition of the patient." This is illustrated in the case of Keily *v.* Colton, 1 N. Y. City Ct. Rep., 439. Here the defendants undertook to extract a tooth while the patient was under the influence of laughing gas. In extracting the tooth, the forceps split, and part of the tooth went down the plaintiff's throat, causing coughing and vomiting, which continued at intervals for about four weeks. Under the circumstances, the court was of the opinion that the defendants were bound to use extraordinary care. "They knew that the plaintiff, while under the influence of the anæsthetic, had no control of his faculties; that he was powerless to act, and that he was unable to exercise the slightest effort to protect himself from any probable or possible consequences of the operation that they had undertaken to perform. He was in their charge and under their control to such an extent they were required to exercise the highest professional skill and diligence, to avoid every possible danger, for the law implies

duties on men according to the circumstances in which they are called on to act."

§ 20. SPECIALISTS AND NON-SPECIALISTS.

The law recognizes a difference existing between the relative skill and knowledge of a specialist and non-specialist.

A dentist holding himself out to the public as a specialist in any branch of dentistry, whether in bridge or crown operations, diseases of the mouth, administration of nitrous oxide gas, or operative dentistry, is by law supposed and expected to possess more than the ordinary skill or knowledge of the subject required of a general practitioner.

He is expected to possess and practically use the highest skill and knowledge his profession has attained on the subject.

When a patient secures the services of a dentist for the performance of a special operation or act, and the said dentist professes to be a specialist in such operations, the patient expects and demands more than the ordinary care and services, because the presumption, both civil and legal, is that, though the non-specialist is responsible for ordinary care, the specialist or expert is liable for special care, because of his especial study and practice of the specialty which he follows.

A defendant may be charged with the lack of special care, *i. e.*, such care as a professional man who practices that specialty is accustomed to give. His defense is, that he is not a specialist in this branch, and that he never claimed to be, and further avers that the plaintiff knew he was not a specialist. If this be true, unless it can be proven that the defendant exhibited in the case the ignorance of the ordinary knowledge of the subject, he cannot be held liable.

§ 21. RESPONSIBILITY OF THE DENTIST FOR AN ERROR OF JUDGMENT.

In cases where a reasonable doubt or uncertainty exists, a dentist cannot be held liable for an honest error of judgment.

Where uncertainties exist as to the diagnosis of a certain case, or the methods of treatment, the dentist is thrown back

upon his own mental resources and responsibilities, and if he acts to the best of his abilities he is not held responsible, if his judgment should lead him into an error.

In support of these views no special decisions given in dental cases can be cited; but, following the analogy of the judicial decisions rendered in other learned professions, the presumption is that the general rule would be as stated above.

A case (Percy *v.* Millavdon, 10 Mart., 36) in point, cited by Daniel Nason, Esq., the substance of the ruling was, as follows:

"It has been said that it will not be sufficient for a professional man to say he acted to the best of his abilities, because he should have formed a more just estimate of his own capacity before he engaged himself. This doctrine, if sound, would make an attorney responsible for every error of judgment, no matter what care or attention he exercised in forming his opinion. It would make him liable in cases where the wisdom of legality of one or more alternatives was presented for his consideration, no matter how difficult the subject." Such a requirement would be unreasonable.

In the case of Leighton *v.* Sargent, 7 Foster, N. H., 475, the ruling was to the following effect, *viz.*: "To charge them with damages on the grounds of unskillful and negligent treatment of his patient's case, it is never enough to show that he has not treated his patient in that manner, nor used those measures which, in the opinion of others, even medical men, the case required, because such evidence only tends to prove error of judgment, for which he is not responsible."

In the case of Bogle *v.* Winslow, 5 Phila. Rep., 136, Judge Hare, in his charge to the jury, said: "All science is the result of a voyage of exploration, and the science of medicine can hardly be said to have reached the shore. Men must be guided, therefore, by what is probably true, and are not responsible for their ignorance of the absolute truth which is not known. If a medical practitioner resorts to the acknowledged proper source of information; if he sits at the feet of masters of high reputation, and does as they have taught him, he has done his duty, and should not be made answerable for

the evils that may result from errors in the instruction which he has received. Medical opinion varies from time to time. What is taught at one period may be discovered to be erroneous at another, but he who acts according to the best known authority, is a skilled practitioner, although that authority should lead him, in some respects, wrong."

§ 22. NEGLIGENCE.

Even though a dental practitioner possess ordinary skill, he is still liable for any injury which may result from his carelessness or negligence.

A negligent offense is an offense which ensues from a defective discharge of duty, which defect could have been avoided by the exercise, by the offender, of that which is usual under similar circumstances, with prudent persons of the same class.

Civil law affirms the existence of three degrees of negligence, *viz.:* slight, ordinary, and gross.

Slight negligence is the want of great care and diligence. (Story Bailment, sec. 17).

Ordinary negligence is the want of ordinary care or diligence. (Wyld *v.* Rickford, 8 Mees and W., 443, 461.)

Gross negligence is the want of even slight care and diligence. (Cashill *v.* Wright, 6 El. and Bl., 891, 899, etc.)

When a dentist assumes the responsibility and undertakes the care of a patient, or to perform any dental operation, whatever its nature, he is bound to use the "ordinary skill" required of him, and exercise due care and diligence in employing it in any given case; the failure to do so constitutes negligence. Legally, a dentist is held liable for injuries resulting from a want of care or diligence, and this without reference to his abilities.

In the performance of his professional duties, the law requires of the dentist diligence and care, as well as proficiency, and negligence is punishable no less than want of skill. From a standpoint of civil law and from that of the moral code, the practitioner, who possesses skill and neglects

to apply it in his treatment, is held more liable than one, who, though ignorant, endeavors to produce a cure.

There is no fixed rule as to what constitutes due care and diligence in every case; usually it is decided by the jury upon the evidence presented. In many, the evidence produced conclusively proves carelessness, without further questioning, as where a dentist extracts a sound tooth instead of the diseased one.

It seems that by reason of a delicate condition of health, the consequences of a negligent injury are more serious still; for those consequences the defendant is liable, although they are aggravated by the imperfect bodily condition of the patient. (Ct. of App., 1884; Tice *v.* Munn, 94 N. Y., 621, and sec. 96 N. Y., 264; Abbot's N. Y. Digest, 233.)

In an action against a surgeon, it is necessary for the plaintiff to affirmatively prove all the elements of negligence charged, including defendant's want of skill or knowledge, where that is relied upon. (Leighton *v.* Sargent, 11 Foster, 119.)

The production of the simple evidence as to the mode of treatment pursued by the defendant in the particular case at issue is sufficient for this purpose. If that indicates want of skill, it is unnecessary to go outside of the case for proof upon that point. (Carpenter *v.* Blake, 60 Barb., 488.) The defendant may, however, produce evidence of his general skill, where an issue is made upon his possession of skill, and not merely upon his use of it. And where there is much doubt as to the skillfulness of his treatment of the particular case, evidence of his general skillfulness will be material upon all the issues of the case, for if he had skill, it is but natural to presume that he used it. But where the plaintiff does not question the defendant's general skillfulness, evidence thereof is not competent on behalf of the defendant in a case not otherwise evenly balanced. (Mertz *v.* Serg., 376; Seare *v.* Prentice, 8 East, 348.)

But to rebut evidence introduced by the defendant to support his general professional character, it is competent to show that he is not a regular practitioner.

The fact that some surgeons approve of the practice adopted does not necessarily preclude a jury from condemning it as negligent, if the decided weight of authority is to that effect. (Carpenter *v.* Blake, 60 Barb., 488.)

"If a person is injured by the negligence of another, it is no defense for the wrong-doer 'that others acted in the same way as he did.'" (Hill *v.* Winsor, 118 Mass., 251, 1875.)

That the service rendered was gratuitous is no defense for a suit for negligence.

Again, a person suing for malpractice must prove it. (Baird *v.* Marford.)

Where there has been mutual negligence, and the negligence of each party is the proximate cause of the injury, no action whatever can be maintained by the party receiving the injury. (Hamilton *v.* Des Moines R. Co., 36 Iowa Rep., 31.)

Whenever death shall be occasioned by unlawful violence or negligence, and suit for damages be not brought by the party injured, during his or her life, the widow of any such deceased, or if there be no widow, the personal representative, may maintain an action and recover damages for the death thus occasioned.

Again, if the action was brought during the life time of the plaintiff, it shall not abate by reason of his death, but the personal representative of the deceased may be substituted as plaintiff and prosecute the suit to final judgment and satisfaction.

The above principles relating to negligence, are in accordance with the authorized legal views on the subject. Negligence is always a question for decision by the jury, and is based upon the evidence presented in the case.

In the case of Grove *v.* Stewart and Sharp (New York Supreme Ct., 1890), dentists, C. H. Stewart and Samuel P. Sharp, were sued by Miss Emma Grove for negligence in allowing the tooth extracted to drop into her lungs, causing her severe injury. A verdict of $1,200 was rendered in favor of the plaintiff. Keily *v.* Colton, (1 N. Y. City Ct. Rep., 439), is a case of the same nature. Koskey *v.* P. & T. Tunstall

(New Orleans), mulcted in $5,000 damages for injury to the face, due to negligence while performing dental operations.

In the case of Matthews *v.* Conrad, the defendant was charged with neglect and unskillfulness in the treatment of the plaintiff, resulting in the forming of an abscess and consequent injuries.

The case was tried in the Supreme Court, District of North Carolina, in 1890, but the plaintiff failed to recover, and was compelled to pay costs. The following is an abstract of the circumstances as detailed by the defendant:

MATTHEWS *v.* CONRAD.

"On January 18th, Mr. F. L. Matthews, a young man about 32 years of age, presented himself at our office, stating that he had lost a filling out of one of his teeth and would like the tooth refilled. I found the second bicuspid had lost a filling that had been put in, according to the statement of the patient, twelve years before. There had been some decay in the cavity, and the enamel worn off the grinding surface. I prepared the tooth for filling, found a corner of the pulp exposed, this I touched with carbolic acid, and capped with dento-plastique. I inserted a compound gold filling, supplying the place of the lost enamel on the grinding surface with gold. Several other teeth needed filling, which I filled, as the patient wanted everything done that was needed to the teeth.

"The occlusion was abnormal, the lower incisors striking almost squarely against the upper, and the four superior incisors with the left canine had worn away about half of the crown, and there was a space of half a line between these teeth and the lower, when the jaws were closed. I advised with my partner, Dr. Watkins, who with me thought the only way to stop the abrasion was to cap the four superior incisors and left canine with gold, building them up a half a line and making them occlude with the lower. The teeth had never given pain, were not at all clouded, indicating a dead pulp. I prepared and filled the canine and left lateral the first sitting, was careful to make the cavity not deeper

than thought necessary and made retaining pits just under the enamel. The tooth responded to cold water and the instrument slightly, but nothing to cotton fibre, so I was satisfied the nerve was alive but not exposed. Believing from every indication there was a deposit of secondary dentine I had but little to fear on this line.

On the following morning, when the patient returned, I asked if the teeth filled the day before had given pain, his answer was, "No, not at all." The centrals were filled that day and the following day, January 24th, 1889. I finished and dismissed the patient perfectly satisfied as he expressed himself. I charged him carefully, if there was any soreness or pain in the teeth after two or three days—leaving long enough for them to get well from the operation—that he should come to the office, and I would treat them for him; for teeth in the condition of his are always more or less liable to give pain, death of the pulp, and I had filled them to prevent that, thinking they would last twenty years or more.

"I met the patient often, but heard no complaint, until March 4th. I met him at church at night. He stated that he had been unwell for several days, and that one of his teeth had been sore, and the gum was swollen and the tooth a little loose. I told him he ought to have come before it got so bad, but to go with me to the office and I would open the tooth and give relief; that unless that was done, I feared he would not sleep much. He said he felt too bad to go that night, but would be down early in the morning. He came, the tooth was loose and the gum swollen. With a spear-pointed drill I opened through the filling to the pulp chamber, and with a broach extracted the pulp which was of a dark red color, the removal giving very little pain. I showed it to the patient and told him I thought his trouble with the tooth was over. I left the drain open, and painted the gum with tr. iodine; made two applications of this before he left the office and gave him some capsicum plasters, with the instruction to apply them that afternoon if the pain did not cease. I dismissed him with an engagement to call the next morning. He was complaining with pains all over, espe-

cially in his legs, which made him walk like a man intoxicated.

"Next morning he sent word he was not able to come to the office, and wished I would come to see him as he was still suffering. I found him in bed, the face considerably swollen and the tooth very loose. I lanced the gum well, but failed to find any pus. I forced the broach in the pulp chamber as far as I could, but found no pus. He had used the capsicum plasters.

"The following morning his physician called at our office and asked me if I did not think that tooth would have to be extracted. He said the patient was suffering with bilious fever, and that he was under the impression the tooth would have to come out. I thought we would make another effort to save it, and went over to see. I found the patient in the same condition, and the pus had burrowed its way to the surface at the neck of the tooth. I opened it with a lance and left it to heal. The adjoining teeth were slightly sore.

"Pain continued in the bones of the face, as well as in other parts of the body, and the next morning the tooth was so loose that I believed the peridental membrane had been destroyed. The patient and his mother were anxious to have the tooth extracted. I yielded and found the membrane gone as I expected, though there was no discharge of pus or sign of a sack. All the anterior teeth were sore, those that had not been filled as well as the others. The pain was all through the jaw and not local. The gums were very little changed except over the tooth that was extracted; this was congested and angry-looking. I left asking to be notified of the condition of the patient. One or two mornings after, I was sent for to extract another tooth, and I found the central loose, and removed it—the peridentium was destroyed two-thirds the way from the apex. I told his mother all the anterior teeth would probably have to be removed, as periodontitis had set in and was attacking the sound teeth, and that to remove them as they became involved, was the only remedy for them in this condition.

"There was no sign of an alveolar abscess except with

the first tooth, and no healthy pus discharge after the gum was lanced.

"My partner went with me and we met the physician, who agreed to all I did, and said that it was a decided case of bilious fever, and that he was treating him for that. We were satisfied with his treatment, and said nothing about it, except Dr. Watkins suggested that the doctor make him a mouth-wash of wine and opium, to be used after the teeth were extracted; and on another visit, when the patient complained of the bad taste, Dr. W. gave him a wash of phenol-sodique.

"Eight of the teeth were removed as they became involved, leaving three in the superior maxillary, the others being extracted before. We made no direct local treatment, except the mouth-washes.

"I made two or three visits after the last tooth was extracted, and finding the mouth needed no other treatment at that time, for the swelling had subsided from the cheeks, and the condition of the gums improving, as I thought, so I told the patient I could not see I could do anything, but would come any time he needed me, and would remove the other teeth, if he found they gave him trouble.

"I saw his half-brother on the street, and asked after him, one or two days after I was there, and he reported him 'better.' I inquired of him almost every day, and received the same answer. In the meantime, I left town for five days, and on my return asked Dr. Watkins if he had heard from him. He said he had heard every day or so, and that he was much better.

"After three weeks from the time I made the last visit, my uncle spent the night there, and the next day told me Frank's mouth was in a terrible fix. I could not go right away, but asked Dr. Watkins to go, and he went in a few minutes after he heard that he was not doing well. They told Dr. W. that Dr. Lott, his physician, was not doing him any good, so they sent for Dr. H——, who was an old, experienced dentist, and he was treating it. Dr. H—— told

me he found the process exfoliated; this he removed after injecting a soothing remedy."

In the suit brought the charge was carelessness, ignorance and unskillfulness in filling the teeth, which caused the abscess, and about the same, when summoned to treat the teeth while he was sick; with refusing to use the remedies laid down by the profession for the treatment of such teeth.

The young man was in apparent good health at the time the work was done, though several months before he had been on a trip West, and was unwell for a long time after his return.

An expert has given it as his opinion that the necrosis was due to some specific disease, though no evidence can be brought forward to show that the young man ever had syphilis, though his early life was very immoral, and his father was even worse.

One point omitted in its place: "About the time the second tooth was extracted, I noticed the mucous membrane in the roof of the mouth had puffed up about the size of an almond. The physician had lanced this, and I lanced it once or twice, there was no discharge, but a little blood mucous."

§ 23. CONTRIBUTORY NEGLIGENCE.

The importance of contributory negligence as a factor in deciding many malpractice suits is not to be overrated; for therein lies a powerful defense for the dentist charged with malpractice, because the nature of the evidence adduced thereby is such as will conclusively determine whether the defendant is wholly responsible for the injuries charged by the plaintiff, or if the latter, by any indiscretion or negligence, materially aided in causing them. In the majority of cases of alleged malpractice, if it could be proven, it would be found that the deviations and departures of the patient from the strict line of good sense, and treatment advised and prescribed by the professional attendant, has been the primary cause of a series of unfortunate mishaps for which the blame afterwards is thrown upon the latter. It is plainly seen that the burden of responsibility should be shifted from

the adviser to the patient, and the dentist ceases both legally and morally to be liable, because of the neglect of the patient to follow out the course of treatment advised.

The doctrine of contributory negligence as applied to dentistry is, as follows: When a dentist is held liable for injuries inflicted by reason of his lack of ordinary skill or actual negligence, the legal presumption is that there has been no contributory negligence on the part of the patient; but if it can be proven that a person who has received an injury by the ignorance or negligence of a dentist, has in any way, by his own negligence, actually aided in causing the injury, he cannot recover damages therefor. To cite a case:

If in the treatment of an alveolar abscess, the patient neglected to follow the dentist's advice in every particular, and adverse results should occur, such as a fistulous opening of the outside of the cheek, no suit could be successfully maintained against the dentist.

Considered from a professional and practical standpoint, it is undeniably the reasonable duty of the patient to co-operate with his professional adviser to aid in the attainment of the favorable result desired. Primarily he should obey all instructions, and he is also required to exercise his reason in such a manner as to further what is being done by his dentist. Upon his faithful discharge of the trust reposed in him depends his right to question his professional attendant's actions. It is a mutual trust, and whoever violates the same is responsible for any resultant injury, and if both are equally guilty of neglect, the defendant cannot be held accountable for the unfavorable results, because of the failure of the plaintiff to obey the instructions which would possibly have been beneficial and lead to more favorable results had his treatment been followed out. The recent case of the Richmond Tooth Crown Company *v.* Pommer (case not reported), is an illustration of this doctrine. Dr. Sheffield acting for the company, fitted in the mouth of the patient a piece of crown and bridge-work. Mrs. Pommer not having paid the bill, an action to recover the amount of the same was brought against her. The defendant averred that there was gross malpractice

in performing the operation; that she had suffered greatly therefrom, and that her jaw had been severely injured and distorted.

The plaintiff proved that these dentures, when first put in, might cause pain, and that as other artificial dentures require adaptation to the mouth, and further that it was proper and usual for the patient to have this done, and though this patient had an appointment for this purpose, had neglected to do so, but after a long delay had gone to another dentist or physician and had the original operation removed. The defendant had not only refused to pay, but had demanded large damages for her sufferings and the injury alleged to have been done her jaw. On consideration of these facts, the judge substantially charged the jury as law, that if in their opinion the defendant had by her failure to return to the plaintiff and permit the proper adjustment of the operation, materially contributed to the injury complained of, she was guilty of contributory negligence and could not recover. The jury returned a verdict in favor of the company. (This case is cited by Daniel Nason, Esq.) On the subject of contributory negligence the following legal decisions can be appropriately quoted, *viz.:*

"It is a well-known principle of law, that a party seeking to recover for an injury, must not have contributed to it in any degree, either by his negligence or disregard of a duty imposed on him by a party who, by his negligence or want of skill or care, may also, in some degree, have contributed to the injury." (Smith *v.* Smith, 2 Pick.)

Again, "A patient cannot recover, either in contract or in tort, for injuries consequent upon unskillful or negligent treatment by the physician, if his own negligence directly contributed to them to any extent, that cannot be distinguished or separated." (Hubbard *v.* Thompson, 109 Mass., 286; Geiselman *v.* Scott, 25 O. S., 86.)

"Questions of contributory negligence must be made very clear before a court is warranted in withholding an inquiry in respect to them from the jury." (Weil *v.* Wright, Sup. Ct., 29 N. Y. S. R., 763; 8 N. Y. Supp., 776.)

"In an action for negligence, the plaintiff's concurrent negligence is a complete defense." (Bush *v.* Brainard, 1 Con., 78; Hartfield *v.* Roper, 21 Wend., 615; Brightley's N. Y. Digest, 3 Edit., 2760.)

"Contributory negligence, to constitute a defense, must refer to the direct occasion of the injury, and not to the remote cause of it." (Lauren *v.* Albany Gas-light Co., 44 N. Y., 459 S. C.; 46 Barb., 264.)

"Contributory negligence is a good defense to action for damages for a personal injury, and it is immaterial to what extent it is proven, provided it contributed to the injury." (Gerity *v.* Haley, 29 W. Va., 98.)

§ 24. DAMAGES.

In civil suits for injuries arising from malpractice, the amount of damages recoverable is variable, and, to a great extent, is a question for the decision of the jury.

In estimating the amount of damages, the jury must take into consideration the bodily pain and suffering, the loss of time occasioned the patient by the injury, the expense incurred, and whether the injury is temporary or permanent and affects his capacity to pursue his customary work.

The verdict of the jury can be set aside, if the damages awarded are so excessive and unjust as to induce the court to believe that the jurors acted from prejudice, partiality, or corruption.

Again, the plaintiff is not, in any case, entitled to recover anything on account of pain and suffering caused by the disease and injury itself, but only for such additional pain and suffering as is produced by the negligence or want of proper care and skill by the defendant. (Wenger *v.* Calder, 78 Ill., 275.)

It has been decided that "mental suffering, caused by a personal injury, however slight, is a proper element of damages against the person legally liable for such injury." (Canning *v.* Williams, 1 Cush, 451, 1848; Tyler *v.* Pomeroy, 8 Allen, 480, 1864; Smith *v.* Holcomb, 99 Mass., 552, 1868.)

§ 25. THE FRACTURE OF THE JAWS (THE ALVEOLUS OF THE SUPERIOR OR INFERIOR MAXILLA), DURING THE EXTRACTION OF TEETH.

Numerous civil suits have been instituted against dentists for malpractice, in causing the fracture of the maxilla, by carelessness in the extraction of teeth.

To uphold this charge, it devolves upon the plaintiff to establish, to the satisfaction of the court, that such injury in reality exists, either by the affidavit or testimony of the physician called to treat the injury complained of, or it may involve the actual exhibition or examination of the injury in court. The plaintiff must also prove that the injury was received at the hands of the defendant, unless it is admitted by the latter that he was the direct or indirect causal thereof.

The next step in the proceedings is to demonstrate that the injury was due to malpractice, and to show the nature thereof: whether ignorant, due to want of skill; willful or negligent malpractice, from carelessness in performing the operation.

The legal question next arises: What is the extent of the injury? Its character? This is of much importance to the defendant, and, in a measure, will influence the decision of the jury.

It may be only the fracture of the alveoli septum. In many cases the roots have become attached to the alveoli septum. This is due to the similarity of composition of the cementum and the bone. Under these circumstances, naturally the septum will separate itself from the outer and inner plate of the alveolus, and remain attached to the tooth. Therefore, the tooth cannot be extracted without the septum coming away with it. The patient sees the piece of bone attached to the tooth, and believes the jaw has been fractured, and should any unwonted trouble follow the extraction of the tooth, they believe there are just grounds for the charge of malpractice. The charge, therefore, should not be upheld, as the injury is not due either to negligence or to the want of skill or care. So, also, where a fracture of either

the outer or inner plate of the alveolus is caused during extraction. It may be due to the attachment of the roots of the teeth to the alveolar plates, or the bones being weak or thin, or necrosis may have weakened the structure thereof. The external plate of the superior maxilla is thin throughout the entire surface, so much so, that the roots are frequently bared in macerating the bone.

During extraction the alveolar plates are spread so as to allow the removal of the tooth. In some cases the roots are divergent and wider than the tooth at the neck, where it is encircled by the alveolus.

During this spreading process in extraction, these thin walls may split, and a considerable fracture may result. The accident may also occur in the inferior maxilla.

Again, exostosis of the tooth may, by reason of the abnormally enlarged root, cause fracture while extracting a tooth.

The patient may contribute to the injury by suddenly starting or jumping or changing the position first assumed, thereby giving the forceps a sudden jerk, causing a slight or serious and extensive fracture of the alveolus. Such injuries as just described cannot be attributed to the want of skill or the exercise of proper care and discretion on the part of the dental practitioner. Being accidental, and the charge of malpractice not proven, the case would be dismissed.

Again, two teeth may be attached to one another by means of the alveolar plates and septum. In attempting to extract one tooth, the other tooth, or perhaps two or more teeth, may also come out, and with a considerable portion of the alveolus attached. A number of such accidents have been recorded.

Whenever the movement of one of the teeth is found to cause a similar disturbance in another, it can safely be diagnosed that the teeth are joined. In such circumstances, the safest plan would seem to be to cut between them by means of drills, saws or files, so as to sever the connection before attempting to remove the tooth. Whether the non-recognition of the teeth being joined, and the cutting apart

of the same before extraction, and the subsequent accident, as detailed above, would constitute just grounds for a verdict of malpractice, is for the jury to decide.

As these accidental fractures occur suddenly and unexpectedly, in the opinion of the author, the peculiar, natural and other circumstances which tend to produce them, as related above, are important factors to be considered in deciding this class of suits. But on the other hand, the dental surgeon who fractures the maxilla during the extraction of an ordinary tooth, with no just cause for the offense, should be mulcted.

In cases where the dental practitioner is charged with causing the fracture of the maxilla, by carelessness in the extraction of the teeth, the case of Dr. Westby, a practicing dentist in New York city, can be cited. This action was brought against him about eight years ago in the New York Supreme Court. The details and facts of the case are, as follows:

One evening, a woman, a teacher of music, called on Dr. Westby to extract one or two molar teeth. Gas was administered, and in endeavoring to remove the second molar or wisdom tooth, it was fractured, and the surrounding parts were lacerated in the efforts made, by gas light, to remove the remaining portion of the roots. Severe inflammation ensued. The patient was put to bed and nursed by a young physician, who testified at the trial that the jaw had been fractured. Dr. Hesbrouke offered testimony to prove that the jaw had not been fractured, showing that the word "fracture" has its proper signification and limitation, when applied to these cases, as the alveolar process is nearly always fractured in the extraction of a tooth, for it may be only a small fragment of the septum of the bone.

The plaintiff claimed to have lost two months time, etc. The jury rendered a verdict in her favor of twelve hundred dollars, with costs, and a special allowance for counsel fees.

The following are the particulars of a similar case occurring in Philadelphia:

Dr. B. F. Williams, (case not given in court report), a

young dental practitioner, extracted a third molar for a patient. The teeth were crowded, and the one extracted was impacted. Previous to the extraction of this tooth, it is believed that the maxillary bone was to some extent necrosed. In removing the tooth, the surrounding tissues were severely lacerated, causing inflammation to set in very rapidly, and necrosis of the adjacent bones followed, or, if it was present previously, the inflammation was the direct causal of the subsequent increase of the necrosis of the bones and sloughing of the tissues. The physician stated to the patient that a bone or bones adjacent to the tooth had been fractured by the dentist; and in view of this and other facts, legal proceedings were instituted against the dentist, charging him with ignorant malpractice. That his carelessness and unskillfulness in not properly performing the operation, and the unnecessary laceration of the parts, were the direct causes of the injury to the parts and subsequent necrosis of the bone. For these injuries, loss of time, suffering, etc., occasioned the plaintiff, damages were demanded.

The defendant compromised with the plaintiff, paying $300, before the case was given to the jury, and it was withdrawn.*

In the case of Wm. Joice *v.* E. P. Howland and S. T. Mason, (The Howland Dental Association), tried before Judge McArthur, in Washington City, the defendants were charged with injury to the plaintiff's jaw, due to carelessness and negligence in the extraction of the latter's teeth. The jury rendered a verdict of $250 damages for the plaintiff.

In 1869, an action was brought against Messrs. Gabriel, in Liverpool, by a mate in the mercantile marine service. The plaintiff charged that the assistant, in extracting a tooth, used a "key," with so much violence and want of skill as to break the jaw, thereby causing dreadful and long continued suffering, and loss of the use of the jaw. It appeared that the plaintiff had not complained for seventeen weeks, and had only within a week or two consulted the services of a surgeon, who was not called as a witness.

* Case reported to the author by Prof. C. N. Peirce.

Mr. Gabriel and his assistants denied the charges, and also that a "key" was used in extracting the tooth. Two medical witnesses were called, who said that they believed from the appearance of the jaw that it was partly weakened and broken away by disease. The jury found for the plaintiff, damages £100, but Mr. Justice Lush, who tried the case, was dissatisfied with the verdict, and an application for a new trial was granted. (British Journal.)

In the case of Flora Brooks *v.* Dr. Hiram Todd, tried in the Common Pleas Court, Columbus, Ohio, in February, 1879, the plaintiff charged that Dr. Todd, after repeated efforts to extract a crowded wisdom tooth, injured the jaw-bone and surrounding tissues, causing swelling and inflammation; and that she was unable to open her mouth for three months. Later, spiculæ of bone exfoliated, an abscess formed, and discharged underneath the chin, etc. The jury rendered a verdict of $2,000 damages for the plaintiff.

Many suits of a similar nature have been brought unjustly against dentists by men and women of doubtful character. In a majority of them the dentists have thought it wise to settle the cases out of court on the best terms they could arrange, rather than suffer the loss of time, annoyance and expense incident to the defense of a suit of this nature.

§ 26. COCAINE POISONING.

The introduction of cocaine in surgery, to produce local anæsthesia, has probably provoked more discussion in the medical and dental professions than any single drug.

It must be confessed that the authorities of the United States and abroad are divided as regards to its merits. Some, who are its most enthusiastic adherents, proclaim that cocaine is a uniformly successful local anæsthetic if properly administered, while others have discarded it as being unreliable and valueless. Its toxic effects, from a legal point of view, claim attention. Although many persons experience no unpleasant results from the injection of cocaine into the gums, still in others alarming symptoms are produced. Syncope, extreme respiratory distress, feeling of complete pros-

tration, lasting for hours; vomiting, great nausea, facia-paralysis, muscular paresis, and swelling of the tongue may ensue.

Acute symptoms of poisoning cause muscular spasms, and in consequence a marked elevation of the temperature. Death appears to result from asphyxia, caused by respiratory paralysis, the heart continuing to beat after respiration ceases. There are, according to Dr. Pruyn, two effects produced by cocaine. First, the physiological, which is caused by small doses, producing hyperesthesia, dilation of the pupil, loquacity, intoxication, with a peculiar feeling of restfulness. Following this comes the second stage or effect, the toxicological effects. It is impossible to recognize where one begins and the other ends.

Dr. Arthur Hugenschmidt divides accidents from cocaine into two clases, local and general.

Local accidents (molecular necrosis of the tissues, or necrosis of the alveolus) can be prevented by washing with an antiseptic solution (bichloride of mercury $\frac{1}{1000}$).

General accidents are the toxic effects, cardiac and pulmonary symptoms previously described.

Dr. Ottolengui (Cosmos, February, 1889) calls attention to toxic effects and dangers of cocaine, and cites many individual cases thereof. Numerous deaths have been recorded due to the use of cocaine.

Because of the unstability of the effects, the fatal dose is variable. As high as eight grains has been taken internally without producing death, while a two per cent. solution (containing three-quarters of a grain) has caused fatal results.

Because of the dangerous, injurious, and even fatal results of the drug, the legal liabilities incident to its administration are deemed worthy of consideration. A dentist has been sued for ten thousand dollars for injuries sustained by injection of cocaine. The following is an abbreviated report of the case, West *v.* Maloney, (New Orleans Court), quoted by Dr. Ottolengui, *viz.:* "The petitioners allege that George P. Maloney, who is engaged in the practice of dental sur-

gery, is justly indebted to them in the sum of ten thousand dollars. That on the 29th day of August, 1888, one Pauline West went into the office of said G. P. Maloney to have a tooth extracted. That in order to do it without pain, as said Maloney said he could and would do, he administered to her hypodermic injections of cocaine, a very powerful and dangerous drug, and in so large a quantity that instantly the said Pauline West was paralyzed to such an extent that when she attempted to leave the chair, she fell to the floor, and for several hours remained in that condition, being unable to stand. Petitioners further allege that they believe Mrs. West's system is permanently injured by the dangerous drug, and her health injured through the carelessness, imprudence, and want of skill of Dr. Maloney."

The statement of Dr. Maloney is, as follows: "The lady declared she wished cocaine administered, saying she had had the drug administered previously. She also stated that she was keenly sensible to its effects, the last operation having rendered her ill nearly three weeks. With these facts as a guide Dr. Maloney proceeded to inject a small quantity of a weak solution—two per cent.—in the gums. The lady demanded that more of the drug be used as the gums still ached, and when the doctor demurred got up from the chair, the tooth not having been extracted. At this time she stated that she felt ill. A moment later, after she had passed out of the office into the hall, the doctor was startled to hear a piercing scream come from that direction, and hastily going to the spot found that the lady had fallen unconscious."

This case against Dr. Maloney was thrown out of the court upon a technical error, because the suit was instituted by Mrs. West herself, whereas, she should have been authorized by her husband to do so. This suit has never been decided.

In cases of alleged malpractice of the nature cited above, it is impossible to lay down a general rule, the neglect of which would constitute malpractice; but the presumption is

that the rules of general malpractice are applicable thereto. The difficulty of decision is increased because of the unstable action of the drug.

Whereas it would have no constitutional effects upon one person, the same dose, upon another, would cause alarming symptoms, thus demonstrating that the toxic effect of the drug is dependent upon the temperament—the idiosyncrasies—of the person.

As cocaine is a death-dealing drug, he who seeks to administer it must possess a fair working knowledge of it in all its phases, and should adopt and practice the modes of administration advocated by the leading authorities on the subject.

A compilation and resumé of the rules to be cautiously observed in its administration are, as follows: "To avoid patients who are nervous and hysterical—those who have any dread of the approaching operation. Select those of a sanguine temperament and in good health. Do not give cocaine to a pregnant woman. Before inserting the hypodermic needle, pass over the part to be punctured a piece of cotton dipped in bichloride solution, 1 to 1000. These antiseptic precautions must be taken to lessen the danger of local accidents, such as have been previously described."

The dose varies from one-sixth to one-half grain—a larger dose is considered unsafe. Never use the drug unless restoratives—brandy, aromatic spirits of ammonia, nitrate of amyl—are conveniently at hand.

Legally, the above requirements must be observed by the dental surgeon who administers cocaine. As the circumstances are variable, each case must be its own criterion, and is decided by the jury according to the evidence.

A case of death from poisoning by cocaine, and the legal prosecution of the dentist who administered the drug, is reported by Dr. H. J. Harwood as having occurred in France. The following extract is taken from the Petit Journal, of Paris, August 11th, 1890: "It is acknowledged to-day that Jeanne Delcambre, whose mysterious death occurred at a dentist's office recently, was poisoned by cocaine. The post-

mortem examination was made yesterday, and Dr. Dutillent attributed the death to the administration of cocaine to a nervous person."

As sequel to the above, is this comment in a Lyons paper (Le Nouvelliste de Lyon), October 27th, 1890: "If the effects of cocaine are generally successful, the results are sometimes greatly to be regretted, because it occasionally produces anæsthesia so well that the patient falls into a fainting fit, and wakes no more. In such an event, ought the dentist be held responsible for the death of his patient? Such a question has recently been placed before the Court of Lille, and the judges decided in the negative. The dentist in question was one B——, charged with causing the death of Mlle. Delcambre, who died immediately after the extraction of a tooth, several injections of cocaine having previously been administered. He was charged with *homicide par imprudence*. The verdict stated that the girl succumbed during syncope. That it has not been proven that the use of a small dose of cocaine had caused death, but that death was very probably the result either of shock caused by the extraction, or by reason of the nervous temperament, or anæmia of the young person. But B—— was fined fifteen francs for illegal practice of medicine."

"Whereas, in administering on the 8th of August last injections of cocaine on the person of Jeanne Delcambre, and not possessing a diploma, he has infringed the law of An. XI, concerning the practice of medicine, that, in reality, cocaine is an anæsthetic demanding much prudence, and may only be employed by medical doctors." (Items of Interest, February, 1891.)

This decision shows the status of the dentist in France, respecting the administration of anæsthetics, *viz.*: that "none but qualified practitioners of medicine are by law allowed to employ an anæsthetic whose administration involves great risk of life." And this verdict, furthermore, sustains the author's views, that cocaine should be regarded in the same light as other anæsthetics which are given systemically, and obviously the same legal rules regulating the administration

of anæsthetics, would apply to cocaine when administered as an anæsthetic.

§ 27. INJURIES AND DEATHS DUE TO ANÆSTHESIA.

The greatest number and most serious cases of malpractice in dentistry have resulted from injuries and deaths alleged to be due to the improper administration of an anæsthetic.

Both civil and criminal suits have been instituted in the prosecution of these cases; the former, for injuries to the health, the direct causal being charged to the administration of an impure anæsthetic, or negligence in its employment; the latter, for deaths caused by carelessness, neglect, or want of skill in its administration.

The use of an anæsthetic is attended with an appreciable risk; the life of the patient is endangered thereby, and no care, no matter how great, will prevent an occasional death. The cause of the fatality may be due to the existence of some organic trouble, which was undiscovered by the operator, although he endeavored, previous to the administration, by his own or a physician's examination, to ascertain whether the patient suffered from any such diseases.

Civil suits, where the alleged injuries to the health are attributable to the neglect or want of skill of the dental surgeon, the court views in the same legal light as cases of "ordinary malpractice, where physical injuries are alleged." The same questions of "ordinary skill" and negligence arise to which the doctrines heretofore presented are applicable. The general legal rule, as stated, requires of the dental surgeon who presumes to use an anæsthetic, that he thoroughly understand its physiological effects, the mode of administration in all its phases, and the practical details of its employment.

"Before he is justified in administering the anæsthetic, the operator must ascertain and consider numerous facts as, Does the operation demand anæsthesia? Does it require prolonged anæsthesia, or, will nitrous oxide gas suffice? What is the condition of the patient? Has he any signs of

faulty circulation? Is he in condition for anæsthesia?" (Garrison on Dental Juris., Amer. Sys. Dent., Vol. III., p. 958.)

In all cases the patient should be subjected to a careful physical examination before the inhalation of the anæsthetic, because there are a few conditions which absolutely interdict the use of an anæsthetic, which, if known, would make obligatory upon the operator the exercise of more than a usual amount of care. He must possess and practically use all the latest knowledge of modern times and that advocated by leading authorities on the subject. The requirements just cited are held to constitute only "the ordinary skill" required by the law of him who resorts to the use of anæsthetics, because their administration involves great risk of life; consequently, it demands a peculiar degree of vigilance and sagacity, sometimes called "the utmost care."

Because the administration of nitrous oxide gas to a person is comparatively safe, the law is somewhat lax as to the requirements of the examination of a patient previous to its administration. However, as stated, the dentist should have a physician make such examination, or do so himself, if capable, as a safeguard. There is a possibility, in such cases, of the jury mulcting the dentist who neglects these precautions. When the dentist presumes to administer ether or chloroform, a thorough physical examination of the patient is absolutely necessary.

Ignorant malpractice is a significant factor in these cases. If the operator does not possess the requisite "ordinary skill," which, as stated, constitutes a thorough knowledge of the subject, he is responsible, no matter how careful he may be, if unwonted results should occur. Thus, one unacquainted with the correct methods of administering chloroform, or having mistaken views in regard to it, should undertake its administration and fatal results occur, the question of care in its administration would be set aside by the court. The fact that he did not possess the "ordinary knowledge and skill," required by law, would be sufficient to convict him; whereas, with a dental surgeon, skilful and experienced in his profession, and particularly conversant

with the administration of anæsthetics, the presumption, in the absence of proofs, is in favor of his skill and correctness of administering them. Therefore, to sustain the charge of malpractice, negligence must be proven. The leading case on the points brought forward, is that of Bogle *v.* Winslow, 5 Phila., 136:—A driver was thrown from his car, his head striking a tree-box as he fell. He was picked up insensible, but recovered, and was able to return to work the next day. Afterwards, he went to Dr. Winslow's office for the purpose of having teeth extracted, under the influence of chloroform. The chloroform was administered, and not long afterwards he was struck with partial paralysis, and the question at issue in the court was, whether this was attributable to the neglect of Dr. Winslow.

In his charge to the jury, Judge Hare said:—"The defendant is not answerable, unless two things appear: First, that he was guilty of negligence, or want of skill in administering the chloroform; and second, that the disease which followed was the result of the use of this remedy.

"On the first point it has been well said that the negligence must consist either in the unfitness of the remedy itself, or its unskillful application. The highest medical evidence has been brought to bear on that point, and a number of surgeons examined, who all, with one exception, testified that chloroform is an acceptable and proper agent even in minor surgery, sanctioned by science and experience.

"The evidence shows also that the defendant is skillful in his profession, and especially conversant with the administration of chloroform, being called upon by eminent surgeons to give it for them. This, in the absence of proof, affords a presumption in favor of his skill in the particular instance in question. There is nothing from which malpractice can be inferred, except the length of time during which it was used, and the quantity made use of, the time being longer, and the quantity given greater, than is ordinarily necessary to produce the effect; but the scientific men who have been examined, have declared that the amount of the dose and the prolongation of its influence, are not productive of danger,

unless there is a want of proper care. Testimony of this sort ought to have great weight with the jury and be decisive, unless there is something to overthrow its force. We know nothing of the effects of the agents of this description, except from experience, and the records of that experience are to be found in scientific works, and the evidence of men who have made the subject a study. The jury are, however, to decide in the last resort: but even if they doubt the safety of the agent employed, there is still a consideration of the highest reason which they ought not to disregard. All science is the result of a voyage of exploration, and the science of medicine can hardly be said to have yet reached the shore. Men must be guided, therefore, by what is probably true, and not made responsible for their ignorance of the absolute truth which is not known. If a medical practitioner resorts to the acknowledged proper sources of information; if he sits at the feet of masters of high reputation, and does as they have taught him, he has done his duty, and should not be made answerable for the evils that may result from errors in the instruction which he has received. Medical opinion varies from time to time. What is taught at one period may be discovered to be erroneous at another, but he who acts according to the best known authority, is a skillful practitioner, although that authority should lead him, in some respects, wrong. He will then have done all that he can, all that is given to man to do, and may leave the result, without self-reproach, in the hands of a higher power. If, however, you should decide that chloroform was an improper agent, or that it was erroneously administered in this instance, you will then have to consider whether the paralysis was the result of its administration. Scientific evidence has been adduced on this point also, to show that paralysis is not a natural, or even a possible, consequence from giving chloroform."

The learned judge, after reviewing the testimony on this point, said: "This topic is not irrelevant, because the medical testimony here is, that the severe blow on the head received by the plaintiff might have produced a latent dis-

ease, only requiring some exciting cause to rouse it into activity. If the plaintiff was, from previous circumstances, predisposed to paralysis, it might well happen that the extraction of his teeth without the chloroform, or the use of chloroform without the extraction, would bring on a paralytic attack. Even if this was the case, still it would not be just to make the defendant answerable for the consequences which he could not foresee, which were not the ordinary or probable result of what he did. He was only bound to look to what was natural, and probably to what might reasonably be anticipated. There is nothing to show that he was acquainted with the accident that had befallen the plaintiff, or had any reason to suppose that there was greater danger in his case than in that of other men. Unless such guard is thrown around the physician, his judgment may be clouded or his confidence shaken by the dread of responsibility at those critical moments when it is all-important that he should retain the free and undisturbed enjoyment of his faculties, in order to use them for the benefit of the patient."

The jury rendered a verdict for the defendant.

Shock to the nervous system and incomplete anæsthesia are important factors in producing death from anæsthesia. The operations upon the teeth and associated tissues are sometimes excruciating and dangerously painful in character. It is an accredited fact that death or serious injury may follow such operations, in consequence of the reflex impressions made through the fifth nerve upon a vital ganglia.

Dr. Lauder Brinton, in Coleman's Dental Surgery and Pathology (cited by Dr. Litch), gives the following explanation of the nervous mechanism through which irritation of the fifth nerve during tooth extraction operates upon the vascular system: The blood, when it reaches the veins, is useless for the nutrition of the tissues, as we see in a corpse when the whole of the blood in the body is contained in the veins, the arteries being empty; only so long as it is in the arteries can it maintain the vitality of the tissues. The blood is kept in the arteries, first, by fresh supplies being pumped out of the venous system into the arterial by

the heart; secondly, by the contraction of the arterioles, which prevent its running back too quickly into the veins. When a tooth is drawn without chloroform, the irritation is carried by the fifth nerve to the nerve centers.

The irritation of the vagus may depress or arrest the heart's action, so that no blood is sent into the arterial system for several seconds; but this is counterbalanced by the irritation of the vaso-motor centers, which causes the contraction of the arterioles, and thus correspondingly diminishes the outflow. In a person thoroughly under chloroform, both nerve centers have their reflex sensibility abolished, and so the irritation has no effect upon either; but with partial anæsthesia, the vaso-motor center may be rendered insensible before the vagus center, and consequently, when irritation is applied to the fifth nerve, the vagus center only is excited, the heart is depressed or stopped, and the inflow of blood into the arterial system is diminished or arrested, while there is no contraction of the arterioles, and, therefore, no corresponding diminution of the outflow. The arterial system, therefore, becomes more or less empty, *i. e.*, it approaches, more or less, the condition of death, and fatal syncope may result.

Many deaths have occurred from the use of anæsthetics for minor operations, notably for the extraction of teeth, in which but a partial degree of insensibility was induced; hence the indications are to have the patient thoroughly under anæsthesia before operating.

The legal doctrine requires the surgeon who presumes to use death-dealing drugs, such as anæsthetics are, not only that he possess the requisite ordinary skill, but that he will also observe extraordinary discretion in the selection of the anæsthetic to be employed, that he will use the one which will produce the desired degree of anæsthesia with the minimum amount of danger to the patient.

There are to-day in use practically only three anæsthetics—nitrous oxide, ether, and chloroform. As to the comparative fatality attending their use, it may be said that nitrous oxide gas has been demonstrated to be a perfectly

safe anæsthetic. Out of many millions of inhalations, given to healthy and diseased alike, sometimes by comparatively untrained and ignorant dentists, only thirteen deaths are recorded.

Ether ranks next in order of safety.

Chloroform kills, says Dr. H. C. Wood, proportionately four or five times as frequently as does ether.

Dr. Litch reports that in three hundred and thirty-five deaths from chloroform collected by Prof. Lyman, there were thirty-five which occurred during or after its administration for the extraction of teeth. This, he says, is more than occurred from any single operation except the removal of tumors, including cancerous breasts and tongues.

Dr. Turnbull reports during the decade from 1869 to 1879, twelve deaths from chloroform given for the extraction of teeth.

This large death-roll would undoubtedly have been enormously increased had not the introduction and general use in dentistry of nitrous oxide gas, at this period, superseded the more dangerous anæsthetics.

Owing to this large mortality from chloroform, and the comparative safety of nitrous oxide gas, there are but few who dissent from the general opinion, that the dental surgeon is not justified in putting the life of the patient to the unnecessary risk of chloroformization, excepting, perhaps, under special circumstances.

In Australia, a jury and judge have condemned to heavy penalty a chloroformist who lost his patient from anæsthesia.

Even now cases of death from chloroform are occasionally reported. (See Amer. System Dent., Vol. 1, 136.) Regarding the causes that contribute towards death from anæsthesia, Dr. Litch makes the following deserved comment: "That chloroform, as well as other anæsthetics, is often ignorantly given by incompetent persons, and that many cases of fatality are attributable to this cause rather than to inherent vices in the agent itself, is unquestionable. Case after case may be quoted in which every condition necessary to the safe induction of the anæsthetic state with either chloroform or

ether has been systematically violated, and in a great measure the responsibility for such a state of things must rest upon the lax public sentiment, which, until a recent period, has made it possible for even the most ignorant or incompetent to practice either medicine or dentistry in any State in the Union.

"No small share of blame, however, must be attached to the school of instruction. The subject of anæsthesia and anæsthetics has been too often treated as a matter of trivial importance, to be dismissed in a single lecture or less.

"Even now there are not many medical or dental colleges in which full and detailed instructions in the physiological or pathological relations of artificial anæsthesia are given and practically enforced, both in the details of the administration of anæsthetic agents and the institution of resuscitative measures when such are required."

Many eminent authorities assert that the inhalation of nitrous oxide gas is frequently attended with serious and even injurious results to the health of the patient. Numerous cases in evidence thereof are cited by Drs. Darby, Litch and others. Dr. Darby reports three cases:

One, of a lady, who attributed all her ill-health to this agent, she never having enjoyed perfect health after she took the gas for the purpose of having teeth extracted.

Several cases are also quoted by Dr. Litch, the most notable being that of Dr. K———, a Philadelphia surgeon, who died of diabetes, which the indications and evidence showed was induced by the inhalation of nitrous oxide gas. Dr. Lafont reports cases in which sugar appeared in the urine after the inhalation of nitrous oxide gas.

It is difficult in these cases to establish a causitive relation between the anæsthetic agent and the disease, because of the unsatisfactory data, and symptoms produced connecting them.

From a legal point of view, for the results of these injuries, co-incident to the inhalation of nitrous oxide gas, the dentist who administers the anæsthetic, cannot be held liable, when ignorance and incompetency are not established.

The dental surgeon is not responsible, merely because he has encountered a state of things beyond his skill to remedy or prevent. These cases are not reflections upon his skill, but belong to the category of natural and unforseen consequences. But on the other hand, if neglect or want of skill can be proven, he would be answerable, the same as when mechanical injuries are alleged.

Thirteen deaths following the inhalation of nitrous oxide gas have been recorded. In judging of the dangers of this anæsthetic, six of these cases should be ruled out, as the circumstances and evidence proved that death was not attributable to the gas. In view of the many hundreds of thousands of persons to whom it has been administered since its general introduction, this exceedingly small percentage of fatal cases undoubtedly demonstrates the comparative safety of nitrous oxide gas.

Eleven of these cases are fully reported by Dr. Litch in the American System of Dentistry, Vol. III, 186–193; therefore, a report of but one of these is given.

This case occurred in November, 1884, in the office of M. Duchesne, a dentist, practicing in Paris. In this case the dentist was prosecuted, and the annexed report of the legal proceeding is of additional interest, as showing the legal status, in France, of dentists who do not hold the degree of doctor of medicine.

Tribunal Correctionnèlle de la Seine, 8e Chambre, présidence de M. Mersier, audience du 27 Novembre, 1885.

"Homicide caused by the imprudence of M. Duchesne, dentist, death of patient by asphyxia, Law of Ventose, Year XI, Major Surgical Operations. Decision of the tribunal:

"At the hearing of this day the judge gave this case the following opinion:

"Whereas, the result of the testimony and discussions is, that on November 25th, 1884, Monsieur Lejeune went to the office of Duchesne to have a tooth extracted;

"That, at the request of the patient, the dentist gave nitrous oxide in order to render the patient insensible to the operation;

"That, as a result of these inhalations, M. Lejeune fell into a syncope, which was followed by death;

"Whereas, in this operation Duchesne should have been assisted by a doctor of medicine;

"That the art of administering nitrous oxide required that the operator have a thorough knowledge of physiology; that he be allowed to examine beforehand with care the condition of the organs of the patient desiring the anæsthetic:

"That, whatever the experience of the accused may be, experience which suffices in most cases, but not in all, this lack of special knowledge is wanting in Duchesne, who is neither a medical doctor nor an officer of health, though he assumes the qualification of the doctor of medicine;

"That a thorough medical examination of M. Lejeune was very necessary, since his physician knew him to be a man who could not inhale any anæsthetic without danger;

"Whereas, Duchesne so fully realized his mistake that, in order to exculpate himself, he hastened to assert, contrary to the truth, that he had been assisted by a doctor of medicine;

"Whereas, one of the experts, Dr. Bronardel, who was heard at the examination, is of the opinion that for the application of an anæsthetic two competent persons are necessary, of whom one at least should be a doctor of medicine, and that to administer an anæsthetic without observing these conditions is a great imprudence. The same witness testified, also, that in this particular case it was a special imprudence to give nitrous oxide to M. Lejeune in view of his constitution; that, if it had been a question of an operation for a grave malady, it would have been admissible to practice on M. Lejeune this mode of anæsthesia, but not when, to quote the language of the witness, it was given out of complaisance and to spare a little pain in a trifling operation;

"Whereas, on the other hand, among surgical operations, the extraction of a tooth must be generally considered as an operation without any importance, and one which requires chiefly a certain dexterity; that any dentist, even if not a graduate, can perform the operation; but when the act

is accompanied by the administration of an anæsthetic, it is not the same;

"That, in this last case, according to the opinions of experts, it belongs to the class of major surgical operations;

"That, as a conclusion from this, by the terms of the Article 29 of the law of 19 Ventose, year XI, officers of health and, for greater reasons, dentists who are not graduates, have not the right to give an anæsthetic, unless under the surveillance and inspection of a doctor of medicine;

"That such an operation is also a contravention of Article 35 of the same law, which prohibits the practice of medicine or surgery without a diploma;

"That a contravention of this kind, when it causes death or injuries, becomes one of the elements of the crime foreseen by Article 319, Penal Code, which is exactly the crime attributed to M. Duchesne;

"Whereas, finally, the director of one of the dental colleges of Paris does not hesitate to recognize the necessity of the attendance of a physician, when it is necessary for a dentist to administer an anæsthetic;

"Whereas, from the circumstances of this case, the tribunal has no doubt that the mistake of Duchesne caused the death of Lejeune;

"That such are the conclusions of the experts, which are expressed thus:

"'We must consider the anæsthetic as having caused death.'

"That it is found that Duchesne did, in November, 1884, in Paris, by imprudence, carelessness and neglect of rules, commit an involuntary homicide on the person of M. Lejeune, a crime foreseen and punished by Article 319 of the Penal Code;

"Whereas, however, there exist extenuating circumstances, the penalty is reduced by application of Article 463, in that which concerns the indemnity called for by the civil party;

"That, whereas, from this point of view, the court must only consider the material damages resulting to the widow from the death of M. Lejeune;

"Whereas, if this fact has caused the business affairs of M. Lejeune to be retarded, it has at the same time been a source of benefit to his family, since it has caused the annual payments of the policy of a life insurance, which M. Lejeune regularly paid up, to cease, and that the policy of forty thousand francs has been paid by the company;

"That we must also consider that the death was not only due to the fault of M. Duchesne, but, also, by the imprudence of the victim himself, who without consulting his own physician, or without having any medical doctor present, called for the application of an anæsthetic;

"That this imprudence justifies a decree of abatement against the claim of the prosecution;

"That, in consideration of these circumstances, the sum of three thousand francs is sufficient reparation; Duchesne is condemned to pay six hundred francs penalty to the state, and to pay to the widow of Lejeune the sum of three thousand francs damages. The prosecution is condemned to pay expenses, except the fines required from Duchesne."*

The administration of nitrous oxide gas is universally conceded to be safe, even in some organic diseases, but, as stated, if a dentist administers the same, knowing the patient suffers from an organic disease, which a careful practitioner would regard as interdicting the use of an anæsthetic, he would be liable for willful malpractice, if unwonted results or injuries be caused by the administration of the same. However, if the dentist states to the patient that it would be dangerous to administer the anæsthetic, and declines to do

* The author will not presume to sit in judgment in this case, nor to criticise the verdict rendered, as I believe the carelessness of the dental surgeon in not ascertaining the physical condition of the patient previous to administering the nitrous oxide gas, when in doubt, is sufficient to render him criminally liable for the results of his negligence. But the requirement of the presence of a doctor of medicine when a dental surgeon presumes to administer nitrous oxide gas, is, in my belief, an unjust one, and not requisite according to the acceptable legal views in the United States. It is supposed that dental surgeons in general, have a thorough knowledge and understanding of the methods of administering anæsthetics, and their right to do so is never legally questioned; it is their personal competency and ability that is considered.

so, he would not, according to certain decisions, be held responsible for adverse results, if the patient assumes the responsibility. This rule is laid down in the case of Gramme *v.* Boerer, 24 Indiana St. (Ripley's), 795, as follows:—"It is the duty of the surgeon when called to perform an operation, to advise against it, if he thinks it unnecessary or unreasonable. But if he advises a patient of mature years and sound mind that the operation is unnecessary and improper, and the patient still insists, the surgeon cannot be held responsible to the patient for damages in complying with his wishes, on the ground that it was improper."

I doubt the wisdom and legality of the decision in the case of Gramme *v.* Boerer, especially in reference to the administration of anæsthetics, unless there were reasonable assurances of success, otherwise it should be regarded as willful malpractice.

The dental surgeon may have humane intentions to relieve the patient's sufferings, but he should not be excused from the charge of willful malpractice, when he knew there was reasonable cause to suppose that the anæsthetic might produce an injury or cause death. The inference in these cases is, that the administration is not absolutely necessary, that the life of the patient is not dependent upon its use in performing the operation. The law holds that no surgeon can assume to perform an operation or act which may endanger human life, unless the life of the patient is absolutely dependent upon the operation as a last resort, and he would be held criminally responsible for the results, and he is not excused on the ground of good intentions.

When anæsthetics are administered to a patient, and the operation is a prolonged one, demanding the entire attention of the operator, so much so that he is incapable of noting the effects of the anæsthetic and the condition of the patient, the law demands that he shall have the assistance of one who is qualified to administer an anæsthetic.

In dentistry, the majority of the operations requiring anæsthesia are performed in a comparatively short space of time, enabling the operator to give his attention to his

patient aside from operating; consequently, the legal requirement does not make it obligatory for the dentist to have the additional services of an assistant or attendant.

§ 28. HEMORRHAGE FOLLOWING THE EXTRACTION OF TEETH.

It frequently occurs that a severe hemorrhage results from the extraction of teeth. The consequent loss of blood by some persons is greater than others, owing to their predisposition to a hemorrhagic diathesis. Several deaths resulting from the loss of blood occasioned by hemorrhages of this character are recorded.

One case that is recalled to the author's memory occurred in the summer of 1888, at Long Branch. Teeth were extracted for a patient by a dentist practicing at that seaside resort, and at the time there was but slight bleeding. The patient walked a number of miles, living outside of Long Branch, but before reaching home a severe hemorrhage commenced, which could not be checked, and the patient died from the loss of blood. In this case, the dental surgeon could not be held liable for the fatality, as death was not due to any negligence on his part.

A dentist's duty is plain in the treatment of cases of the nature cited above, as he should be familiar with the methods adopted, and styptica employed to check these hemorrhages. No liability for the results of the hemorrhage can be charged to the dentist, unless for negligence in not properly attending a patient, or using the proper means to check the bleeding. He cannot be held responsible, because he encountered circumstances and conditions, natural and unforeseen consequences, that were beyond his skill to remedy or prevent.

The case of Shaw *v.* Evans, N. Y. Sup. Ct., can be quoted in connection with the above statements. This case was a civil suit for damages for injuries consequent upon a hemorrhage following tooth extraction, and due to improper treatment of the same. (The case savors of the nature of blackmail, and, undoubtedly, the circumstances, as related, prove that it was an unjust prosecution, and that a great wrong was done Dr. Evans.)

The facts of the case, as related by the defendant, Dr. Geo. W. Evans, are, as follows: "The plaintiff called with her sister and had about nine or ten loose teeth extracted (badly affected with pyorrhea alveolaris) about half past three o'clock in the afternoon. The bleeding stopped before she left the office.

"At half-past seven o'clock, her husband called while I was at dinner, and waited in my office, without stating what he wanted, until I was finished, about eight o'clock. He, then, when I came up stairs and saw him, stated that a 'slight hemorrhage,' as he described it; commenced about half-past six o'clock. As it was a fine evening in August, I asked him to bring her around to my office, instead of my going to his house, as he suggested. He consented, and I promised to wait until he returned with her. But instead of doing as he promised, he went after his family physician. The physician was out, so he went after his assistant. He also was out, or out of town. At half-past nine he sent a woman, whom I did not see, to my door, who simply said: 'Tell Dr. Evans to come around to the house,' and left without seeing me. As Shaw lived about five or seven minutes' walk of my house, I sent my assistant around to inquire what it meant, and why they acted as they had, as I thought it rather strange. While my assistant was gone, I got my things, a few instruments and styptics, together, to be ready the instant he came back. I do not think I lost ten minutes by this 'wait.' When my assistant returned, and I heard I was wanted at the house, I immediately left for there, with my assistant as a witness, for I had then become suspicious. The reason I had for acting thus far as I did, was because I did not like the appearance of the parties, nor their actions either. At the house I was kept waiting in the parlor twenty minutes, before I was admitted to the patient's room. The room was very dark, no gas or light of any kind. I asked for a candle or lamp. The lamp was empty of oil. They sent out and obtained some, and, finally, in about fifteen minutes more, a light was furnished. I, then, found the bed covered with napkins or towels, each of which had some

bloody spits daubed over them in such a manner as to make a big show. I looked at her mouth and found a slight hemorrhage was going on in one of the sockets. I plugged it with stypties, and stopped the hemorrhage in about three minutes. The next day I returned and removed the plug.

"About three months afterwards I received a letter from a lawyer, demanding me to pay him $200 damages to his client, the plaintiff in the case, and patient before mentioned. I refused to do so. Plaintiff's lawyer then gave up the case. Sometime afterwards the case was given to another lawyer. He also interviewed me, and would have probably settled for a very small amount. The case was taken out of this lawyer's hands, and one named Silverstone was engaged."

Two suits were brought against Dr. Evans, by this lawyer. One for the husband for the loss of his wife's services, —$2500 damages claimed; the other by the wife, "for neglect,"—damages, also $2500. The lawyer, Mr. Silverstone, had another one to join him in prosecuting the suit.

They refused to give a bill of particulars to more fully describe the charge against the defendant. The court ordered them to do so; and, upon their refusal, they were fined. They appealed to the upper court, but the decision of the lower court was affirmed. They were ordered to more fully answer, and, neglecting to do so, were again fined. They once more appealed, but the appeal was not recognized. As before, they did not quite fully answer, and again were fined. This time the court heard them (unjustly going against their previous record), and, on a "per curiam" order, ordered the the case to go on. As the case then stood, the charge against the defendant was, "that he carelessly, negligently and unskillfully performed the operation, and that the hemorrhage resulted therefrom; and that the defendant, when requested by the plaintiff to discontinue extracting the teeth, refused, and by force extracted the remaining ones.

"That the shock, incident to such a severe operation, injured her, and that the plaintiff neglected her by not attending to her case."

These cases were in the courts for five years, but were not decided judicially. The plaintiff's lawyers became tired of the case, and compromised.

§ 29. INFECTION OF DISEASES FROM UNCLEAN INSTRUMENTS.

The following dissertation is in the nature of a suggestion and forewarning in reference to certain principles to be observed in regard to the cleansing of the instruments used in performing surgical-dental operations. Numerous cases are recorded, and others can be cited, to prove that the infection of persons with various diseases has been caused by the use of unclean instruments in operating. Patients have been innoculated with the poisonous germs on these instruments, and the sorrowful results have been varying from a simple local inflammation to the most horrible of diseases—syphilis.

In proof of these facts, the following cases are quoted from the "Dental Mirror," October, 1890:

"A gentleman in September, 1884, visited a physician, Dr. L. D. Buckley, of New York city, to see him about what he thought was a cancer on his tongue, but which proved to be a chancre, the characteristic syphilitic eruption following shortly after. About a month previous to his calling on Dr. Buckley, he had had some dental operations done, and he said he remembered that the instruments occasionally slipped, and his tongue was injured. The dentist did not appear very clean or particular about his instruments. As he was a married man no other cause could be found by which he could have become affected. Sir William Watson published a case of this description, and John Hunter relates two similar cases about which there can be no doubt. J. C. Lettsom has recorded three cases.

Dr. C. W. Dulles, of Philadelphia, reports a case which was also seen by the late Dr. Maury. The patient, a female domestic of excellent character, developed a chancre of the lip, two weeks after a visit to a dentist, who on that occasion extracted a tooth, and later did some cleaning of the teeth. Although the case was hard to confirm, it seemed reasonable

to suppose that the operation was in some way responsible for the inoculation.

Dr. F. M. Otis, also mentions a chancre of the lip which occurred in a gentleman about three weeks after a visit spent in a dentist's chair. Lancereaux relates a similar case of chancre of the lower lip of a woman, after extraction of a tooth and other dental work; and Giovannie, of Bologna, has reported a chancre of the lip from a dentist's instruments; Leloir mentions one from the same cause; Lydston has likewise reported a case of a woman with syphilis, the chancre having developed three weeks after some cleaning and repairing done to her teeth. Roddick, of Montreal, reports a very interesting case—the patient was the wife of a physician and the mother of healthy children. She became infected while having a tooth extracted. (Dr. Ottolengui, in Dental Mirror.)

Dr. Barclay reports a case (Med. and Surg. Rep., Feb. 20th, 1892) of a young girl, who, according to his statement, was poisoned by a dentist. He states, "that the dentist who extracted her tooth, abraded her lip;" and, furthermore, that he saw her three weeks afterward, and his opinion, after an examination was, that she had been poisoned. This opinion was corroborated by that of several other physicians, who likewise examined the girl. In this case, secondary manifestations of syphilis came on in about sixty days; her hair fell out, etc. This case was referred to a lawyer, and, without doubt, will be taken into court.

Unfortunately, in many of the instances cited above the dentist is, doubtless, unjustly accused. There are a variety of ways in which such diseases can be transmitted. For instance, as in the case given by Dr. Buckley, suppose this girl had a family friend who had something on her lip and that she kissed her good-bye at a station about the time she received the injury at the dentist's hands, she would have received this inoculation, and the dentist would have to bear the blame again; the girl might have been inoculated by drinking from a cup used by others, or she might have wiped her face with a towel that the servant girl had used, or she

might have contracted it in one of a thousand other ways. Hence, when a case of this character comes into court the plaintiff would have the greatest difficulty to prove that the abrasion on the lip was the site of the chancre, showing that the inoculation was made by the instrument that produced the abrasion.

The introduction of antisepsis has caused an entire revolution in the methods and requirements of surgery. The recognized principles of surgery now demand that a surgeon thoroughly disinfect his instruments, before and after operating, with some solution (usually one of carbolic acid), or by heat that will destroy any germs of disease or bacteria that may be on the instruments, and, further, as a safeguard and preventive of infection by that means.

When a principle of practice in surgery is universally recognized in all schools as a necessity to be practiced where the life may be endangered, without its use, or injury result, the law demands that the surgeon shall employ these means, to lessen the dangers to a minimum.

No legal cases can be cited in support of the views presented above, but they certainly are in accordance with the doctrines of the practice of surgery and the principles of the law.

It is a well-known fact, and the above mentioned cases prove, that a certain class of dental practitioners negligently and carelessly use instruments, especially forceps for tooth extraction, without properly cleaning or disinfecting them before or even after operating, and thus have inoculated patients, as stated, with poisonous germs and bacteria of diseases.

It is but just to presume, that a dentist would, legally, be held liable for the consequences of such negligence; and if legal proceedings were instituted against him, and these facts could be established, unquestionably, he should, and would be mulcted in damages.

§ 30. RAPE UNDER ANÆSTHESIA.

In the whole domain of dental jurisprudence no criminal charge brought in a court of justice against a dentist, can be

conceived more grave than the accusation of having committed rape on a female in whom he was inducing anæsthesia. Several legal cases of this character are recorded, where the defendant was found guilty and senteneed to imprisonment for his alleged crime. The women no doubt believed that they had been violated, but it is certain that in many of these cases, and probably in all of them, they mistook the real act for the subjective erotic sensations induced by the anæsthetic.

That a dental practitioner in the pursuit of his calling is exposed to grave charges of this nature, is a serious matter for consideration and reflection, requiring careful and delicate interpretation, both morally and legally. Frequently the accusation is based upon and solely sustained by the evidence of the plaintiff, and, in view of the known tendency of anæsthetics to excite erotic sensations, such evidence should not be received without the corroborative testimony of other witnesses, or circumstances, as the unsupported evidence of women under such conditions cannot be relied upon. Dr. H. C. Wood says that "the valuelessness of the testimony of persons as to occurrences during the time of their intoxication with an anæsthetic, should be recognized by law as a governing principle of evidence."

"Manifestations of erotic sensation during artificial anæsthesia have been witnessed, although rarely, but dreams of a sexual character are doubtless far more frequently experienced, and very vividly. Women undoubtedly are more liable to them than men, especially when the administration of the anæsthetic takes place at or about the time of periodical congestion." (J. C. Reeves, on Anæsthetics, "Reference Hand-Book of Medical Sciences.")

Ether, from its more stimulating effect, produces these dreams more frequently than chloroform.

Cases have occurred where the woman was so positive that liberties had been taken with her person during anæsthesia, that the testimony of relatives, who were present all the time, scarcely sufficed to convince her that she was laboring under a delusion. These cases occur more frequently

than we have knowledge of, and are compromised without judicial proceedings being instituted.

The leading prosecution of this nature is that of Dr. Beale, a highly respectable dentist of Philadelphia, a widower; the patient a young lady of unimpeachable character, who was engaged to be married, and who, on the occasion in question, was accompanied to the house of Dr. Beale by her betrothed. She arrived at the dentist's office at about ten o'clock in the morning, and after a few moments spent in awaiting the departure of two other lady patients, she was ushered into the doctor's operating room. The evidence of the plaintiff, as given at the trial, was, as follows:

"I went into the office; took off my bonnet, and Dr. B—— went to the wash-stand to wash his hands; he asked after the family. I took a seat on the operating chair; in a few minutes Dr. B—— told me one of the men wanted to speak to him, and he gave me a book to read and left the room; did not say what man; I supposed there were men there. He has a room in which the teeth are made; I believed the men to be there. Dr. B——'s family were out of town at that time; he said so, and the door was opened, and there was no furniture in the front room. I don't know how long Dr. B—— was absent; when he came back I was sitting in the operating chair; he went to the instrument case and began with my tooth; the tooth was on the left side; he commenced operating on the tooth before he gave me ether; the operation was very painful; he said he would either put something in to destroy the nerve or give me ether, leaving the choice to me. I told him I'd prefer taking ether; I didn't learn what he proposed putting into the tooth; he gave me the ether on a small napkin, folded up. I felt very dizzy at first; I was cold and felt very numb; it increased upon me; I did not lose my consciousness of what I was doing; I continued to breathe the ether; my eyes were closed; I closed them voluntarily; I did not try to open them for some time after. After he gave the ether he did not, as I remember, operate on my tooth; he felt my pulse several times, put his hand on my arm under the sleeve up

my arm. I had a loose sleeve; he did it once; he put his hand on my breast under my dress on the bosom, he put his hand on my person under my dress. I have a distinct memory of that. I was not able to make any resistance or outcry. He went round before me and raised my clothes. I am perfectly distinct in my memory of that. I did not try to cry out; do not know if I was able. After he had raised my clothes my feet were crossed, and he raised them and put one on each side of the stool; he then put his arm around me under my clothes. He drew me down to the edge of the chair. I do not know what he did after that till I felt pain; he did enter my person; it was then that I felt the pain; I was not able to cry out or resist; I did not try. I don't know what was his position. My eyes were closed. I have no doubt that he did enter my person, and did give me pain. All this time I was conscious of everything that was going on. After this he left me and crossed the room to the washstand. I heard him pour out water into the basin. After he had been to the washstand and returned, I opened my eyes and saw my clothes up; he did not see me. I have a clear recollection of seeing my clothes up. I closed my eyes immediately. He put down my clothes, and in a few minutes he was at the side of the chair and lifted me up into the seat. I was just to the edge of the seat. It was a large dentist's chair. In a few minutes he told me he'd have to take the tooth out; that was the first remark he made, except the first when he asked me if I was getting sleepy. At the time he entered my person I did not feel his person against me; pain I distinctly felt. When he spoke about taking out the tooth I asked him why. He said they were both decayed and he could not save them both. I told him I was afraid it would pain me, and he said he would not let it; he then gave me more ether and extracted the tooth. It was on the left side; when he extracted the tooth it was painful; I screamed then; he then assisted me to rise and led me to the rocking-chair. I felt a little dizzy when he led me to the rocking-chair. He then went out of the room, and in a few moments came up with a lady. I have not

seen her since. He asked me if I would be introduced to her. I believe I said no. He did not introduce me then. I heard him tell the lady he'd always been our dentist, and that we had never been to any other. He said my teeth were very good; he said I had taken ether when the tooth was extracted. I think she said something about hearing me scream. He said yes, ether had not much effect on me; I was either nervous or for some cause. In a little while I got up and he introduced me to the lady. I think it was Mrs. P——. I made several remarks, but I don't know what they were. I then put on my bonnet, and Dr. B—— followed me down stairs. The lady was left upstairs; he came to the door, and I wanted to stop an omnibus; he asked me how far I was going, and I told him to Third street and Lombard; he told me I had better walk. He said he thought I had some of the ether in me, and the walking would do me good. I walked down Walnut to Sixth, and did not get into an omnibus. I did not reproach Dr. B—— at the house; I was afraid. I stopped in C——'s ice-cream saloon at Sixth below Pine. I got ice-cream. I went then along Sixth street to Spruce, and down to Third and Lombard streets. I was going to see a young woman who sent for me. I did see her; don't recollect how long I was there; when I left I came up to Mr. T——'s, at Chestnut street, near Fifth. I was very intimate with Mr. and Mrs. T——. I met Mr. M—— on the way up, near Sixth and Chestnut streets. He joined me and spoke to me; did not accompany me to Mr. T——'s; did not meet any but those I have named. I reached Mrs. T——'s at one o'clock; they had not been to dinner. I first mentioned to Mrs. T—— what had occurred at Dr. B——'s the same day, after tea. That afternoon I was taken unwell; it was the usual time. The door of the dentistry-room at Dr. B——'s was shut; there are two in the room, the one leading to the entry door was closed. Dr. B—— said he closed the door because the smell of ether would go over the house; the door was shut before he gave me the ether; the chair is one that leans backward."

Re-examined.—"I said Dr. B—— generally used me like a lady. He said, a year ago, he should like me for his second wife; he had a good many children, but they should not trouble me, as he would get nurses for them. I spoke of it at home to my mother and sisters. After the doctor took me out of the chair after the operation, all I said was in answer to questions by him, or to remarks; the reason why I did make another appointment with him (Dr. B.) was that I did not want him to know that I knew anything of his conduct. I had not concluded what course to pursue."

The result of this case was that Dr. B—— was found guilty of rape, and sentenced to four years and six months imprisonment.

In this case no corroborative testimony was given to sustain the indictment, the dentist being convicted solely upon the evidence of the young lady herself, who averred that during the whole period occupied by the assault she was too profoundly under the influence of the anæsthetic to either resist or make an outcry, but remained entirely passive.

It was admitted by the plaintiff that etherization had taken from her the power of voluntary action; her testimony obviously is then derived solely from her remembrance of what occurred while in this condition.

"Under every rule of evidence, the testimony of any witness is the remembrance of that witness of a material fact observed by him or her while possessed of perceptive faculties and in a state of rational consciousness. But even this definition is not sufficiently broad to include the testimony of the witness in this leading case. For, observe as the prosecutrix complaining of an assault, the gravamen of her case was the admission that she was so far under the toxic influence of the anæsthetic as to be and remain entirely passive under the alleged assault. According to her statement, not only did she offer no voluntary resistance, but her admission carries with it the assertion that the administration of the agent had been carried to that point where the muscular system fails to respond in the way of reflex action to exciting causes. This is the witness's own statement necessary to her

case, and must be considered in judging her fitness as a witness." (C. B. Garrison, Vol. III. p. 962, Amer. Sys. Dent.)

The question as to the capability of a female giving evidence relative to what occurred during the period of etherization, and the possibility of resistance under such circumstances, receives an answer in the subjoined remarks, quoted from Wharton and Stillé's Med. Juris., Vol. III.:

"There is a striking analogy between the effects of ether and those of alcohol; the chief difference being in the more rapid and complete insensibility produced by the former, and the more evanescent character of the intoxication. There is a period of excitement, stupor, and of recovery, and the phenomena in different individuals vary according to their temperatures and habits. In general the state of excitement in etherized patients is short, and verges rapidly into that of unconsciousness and insensibility to pain. The vapors of ether seem literally to ascend and diffuse themselves through the brain, and to permeate every portion of the body; the patient has a sense of fullness and warmth; the whole body feels lighter and seems to spurn the earth; the sense of hearing becomes confused; the sight dim, and the touch benumbed. External objects lose themselves in a confused mist, which appear to swell their proportions and contort their shape; the muscles become relaxed, and the patient sinks lethargic and unconscious into profound sleep." (Wharton and Stillé, Med. Juris.)

The patient responds to external impressions only in an automatic way during the transition into a stage of entire sensibility. He is entirely oblivious of the most painful operations; all his movements are instinctive, and though an expression of pain is depicted upon the face, and the hands are raised against the operator as he attempts to draw a tooth, it is not an expression of suffering. The recovery from the advanced stages of anæsthesia is sudden, as in the waking from a profound natural sleep; the perceptions are but a few moments confused, even while the person thinks himself fully awake and appears to be so. There is then a remission into the stage of intoxication, and the same symp-

toms are manifested in the recovery as when the ether is administered.

In the inhalation of ether the lapse into consciousness is rapid, and cannot be divided into distinct intervals. Frequently the sensation of pain is lost before outward consciousness is entirely lost.

Several instances can be related in support of this statement. A case is recorded in which the patient looked on calmly while a severe operation was being performed on his body, and apparently painless. In this instance, although the patient replied correctly when questioned, still he imagined himself in a distant country, showing that perception was by no means unperverted. A similar case is reported by Velpeau, who states that, while performing an operation upon a young girl, she raised herself into a sitting position as if to observe. She said afterwards that she supposed she was at a dinner table. (Rev. Med., 1847.)

It is unquestionably the experience of every practitioner who administers anæsthetics to observe that, in the majority of cases, the patient has an illusion of, or hallucination of, some occurrence entirely foreign to the operation. The perceptions are perverted, the illusions sometimes being suggested by the scene actually passing, and, at others, arising without being prompted by external perceptions.

Numerous cases illustrating this fact are quoted by Dr. Flagg (Ether and Chloroform, etc.). The following cases are derived from that source, and are also quoted in Wharton and Stillé's Med. Juris.:

"After an operation performed on the forehead of Mr. T———, a dentist of this city, he said, that although his eyes were shut, he saw every cut of the knife. He saw the shape of the wound upon the forehead, and, what was better than all, this cutting appeared to be done upon someone else." Again, "A little girl, the extraction of whose tooth made a report like the drawing of a cork, sprang out of the chair, crouched upon the floor, and looked up anxiously at me, and inquired if anybody had been

killed. She supposed she had been traveling on a locomotive, which had blown up and thrown her into the air."

Numerous illustrations of this character may be cited to demonstrate the fact that patients, while anæsthetized, have been completely oblivious of their surroundings, and entirely ignorant of what was in reality occurring at the time; and they have in no wise realized, or dreamed, that they were the subjects of a severe surgical operation.

In the anæsthetic state the WILL no longer exercises its control over the mental faculties. The thoughts run in their accustomed track or in any direction, and are generally guided by the impressions made upon the nerves of general or special sensation. The power of restraining them is lost, and if the dream is a pleasant one, there is no desire to escape these thoughts; but the reverse is the case when the illusions are painful or disagreeable. Movements under these circumstances imply an exercise of the WILL power, and is almost always due to illusions proceeding from external impressions.

To demonstrate that the power of the will over the muscular movement is not entirely abolished in etherization, we need but refer to the following case, quoted in Wharton and Stillé's Med. Juris.: "A young man having been sufficiently etherized, the dentist prepared to extract a tooth. In a moment he dashed the instrument from his mouth, LEFT the CHAIR, and, striding about the room, demanded what they meant to do with him. In a few moments the effects of the ether passed off. Being again put under its influence the same scene was enacted with even greater violence, and he endeavored to jump out of the window. When he regained his memory, he related that he imagined himself surrounded by a great number of enemies, one of whom endeavored to drive a nail into his mouth, and being unable to struggle with them, he sought safety in flight" (Union Med., Sept., 1857.) Other examples of this nature may be cited. Again, the muscular movement is not entirely abolished in etherization; the muscles are related, but not paralyzed.

If the patient exercises his will to make any movement,

the fact is due either to the pleasurable or trivial character of his mental perception, or to the temporary or complete unconsciousness and insensibility produced by the anæsthetic.

It is well-established that in the advanced stage of anæsthesia, when perfect narcotism is produced, if the power of resistance is lost, so also is the consciousness of any real motive for it.

In demonstration of this fact it may be said that, if an outrage be perpetrated on a woman lying wholly unconscious and helpless, she cannot be cognizant of any liberties taken with her person, and will not therefore make any opposition to them. Moreover, it would be impossible for her afterwards to describe with elaborate detail, the manner and particulars of the assault, and yet have been incapable of resisting it. If her muscles and voice have been paralyzed, so also has her outward consciousness; and all remembrance of occurrences during this stage of etherization is wholly confined to the outward mental perceptions—to dreams which have all the vividness of real occurrences.

The plea of irregularity of action of the anæsthetic has been advanced, but it may be stated that anæsthetics are as constant in their mode of action and as little liable to variation as any medical agents, and that such wide departures from their ordinary effect, as consciousness of pain, with inability to resist, is highly improbable and inconsistent, and only to be accepted as a fact upon the presentation of abundant positive testimony of competent observers. The following summary of this branch of the subject is taken from Wharton and Stillé's Med. Juris., Vol. III., and the proposition may be assumed as correct:

First, that the consciousness of perception of external objects and impressions is impaired in the early, and lost in the final, stage of etherization.

Second, that during the time the mind remains susceptible to external impressions at all, these reach it in a feeble or perverted manner.

Third, that the emotions, especially those of erotic character, are excited by the inhalation of ether.

Fourth, the voluntary muscular movement is not paralyzed until the state of perfect narcotism is produced, at which time, however, all outward consciousness is extinct.

Fifth, that the memory of what has passed during the state of etherization is either of events wholly unreal, or of real occurrences perverted from their actual nature.

Sixth, that there is reason to believe that the impressions left by the dreams occasioned by ether, may remain permanently fixed in the memory with all the vividness of real events.

Much evidence in the support of these views was given by dentists at the meetings of various dental societies in New York, Philadelphia, Baltimore and other cities, and in consequence thereof, and the large amount of testimony presented by physicians and dentists to prove that ether frequently produced erotic sensations and hallucinations of that character, Dr. B—— was subsequently pardoned by the Executive of State.

A case similar to that of Dr. B—— occurred at Montreal, in 1858; here, a dentist was indicted for attempting to commit a rape upon one of his patients under the influence of chloroform. At the trial, a witness testified that his wife was under the impression that she had been violated by the prisoner, while under the influence of chloroform; yet her husband was present during the whole time she was unconscious. The jury rendered a verdict of guilty of an attempt to commit a rape, with a recommendation to mercy.—Boston Med. and Surg. Journ., November, 1858, p. 287.

For another case of this character see post § 266., Wharton & Stillé's Med. Juris.

Again, a dentist, K——, of Brandenburg, Prussia, was sentenced by the jury court of Potsdam to a term of four years imprisonment in the penitentiary, for repeated cases of rape committed during his dental practice.

Jas. T. Grant, a dentist, was charged, at the Jersey (Channel Isles) police court, on October 8th, 1872, with committing an indecent assault upon Carolina Pope, a servant.

He gave her gas, and it was alleged, while under its effects, grossly outraged her. Testimony was offered to corroborate this statement. No evidence of a rape was produced. Witnesses gave Mr. Grant the highest moral character, etc. The defendant was committed for trial on the charge of indecent assault, and admitted to bail in $250. The trial occurred November 11th. The case for the prosecution failed, and the jury found a verdict of not guilty for the defendant. —Cosmos XIV, 659 ; XV, 82.

In all of these cases no testimony was produced by the prosecution to show that an examination of the plaintiff's person and clothing was made, directly or within a reasonable time after the alleged assault occurred, to prove recent defloration of the plaintiff. The establishment of this fact by testimony is always considered important evidence, necessary to the conviction of the defendant who is charged with committing a felonious assault.

Evidence has been brought forward to prove that cocaine, when injected hypodermically, produces erotic excitement.

A Philadelphia physician reports giving a hypodermic injection of a few drops of a 10 per cent. solution of cocaine in a woman from whose face he proposed to remove a small tumor. The erotic excitement that followed led the patient to behave in a most unseeming way, although her usual conduct was modest and becoming.

A St. Paul dentist reports a similar experience, his patient making indecent exposure while under the influence of a small injection of cocaine.—Medical Brief and Dental Mirror, Oct., 1890.

Dentists should indeed be careful and on their guard, since they use cocaine for treating and extracting teeth, and are so frequently alone with their patients.

In view of the known tendency of anæsthetics to excite hallucinations and erotic sensations, and of the loss of character, liberty and ruination of all professional prospects, if convicted on the charge of rape, it is evident that no dental practitioner should administer anæsthetics to female patients

excepting there be a witness or attendant present. This precaution is not to be overrated, for too frequently are the cases of attempted—and sometimes successful—blackmail, where the dentist is threatened with prosecution if he refuses to compromise by the payment of the monetary consideration demanded. The author has learned of several cases of this nature, but not having the particulars, is unable to cite them.

The above warning, if heeded, may save many dentists from misfortune and the clutches of blackmailers; whereas its neglect may ruin his whole professional career.

§ 31. COMPULSORY SERVICE.

A dental practitioner cannot, legally, be compelled to render professional services to a patient when requested. Though dentists have been threatened, if not actually sued, for their refusal to perform certain operations, there is no foundation in law for such compulsion. A dental surgeon is not a common carrier, as his professional services at their inception are purely voluntary; but when once he has undertaken a case, he must continue his services, unless he is dismissed, or until reasonable time has been given to procure other attendance, even if the services are gratuitous.

§ 32. COMPENSATION CONTRACTS FOR SERVICES MAY BE EXPRESSED OR IMPLIED.

The contract between a dentist and his patient for compensation for services rendered, like that of a physician, may be EXPRESSED or IMPLIED.

An EXPRESS contract is one that is formally stated, either verbally or in writing; while an IMPLIED contract is one that is inferred from the acts and conduct of the parties and the attendant circumstances.

A contract between the dental practitioner and his patient is usually an implied one, and may be enforced the same as an express contract.

The legal presumption is, that agreements and stipulations are supposed to have been made between the parties, such as fair and honest men ought to have made under like

circumstances. (Nevins *v.* Lowe, 40 Ill., 209; Ogden *v.* Saunders, 12 Wheat., W. S., 341; Secoa *v.* True, 53 N. H., 627; Field's Medico-Legal Guide, § 112.)

Under the implied contract, the general practitioner agrees to render certain services, with the ordinary degree of skill, and with due care, and he does not become an insurer or assume the responsibility of the results.

The practitioner assumes, under the ordinarily implied contract, to render but a fair average degree of knowledge and skill, and legally it is not expected of him that he will exercise an extreme degree of skill.

Frequently the defendant, to avoid the contract, offers the plea of defense, that no benefit has accrued to him. The court will not sustain a defense of this nature, unless it be proven that the practitioner, by reason of his lack of ordinary skill, defrauded the defendant who believed that he possessed the requisite skill.

A dental practitioner is not liable for the use of more than ordinary skill, unless a contract for this purpose be made, or unless such a contract is to be inferred from all the circumstances of the case. (McCandless *v.* McWha.)

In the case of Simonds *v.* Henry (39 Me., 159), it was decided, that "a dentist is required to use a reasonable degree of care and skill in the manufacture and fitting of artificial teeth," and that, "the exercise of the highest perfection of his art is not implied in his professional contract."

In this case, the suit was to recover a fee for an artificial denture.

The contract was made with the wife for the manufacture of the teeth for a certain price, with the knowledge and assent of the defendant, the husband. When put in her mouth, she complained that they felt odd and pained her. The plate was then somewhat filed, but she still complained and declined to pay for them. It was agreed that she might take them away and return them on the following Monday, when she returned and said she could never wear them. Something further was done to the teeth, but she declined to pay for them, and left them, although the plaintiff forbade

her so doing and claimed his pay. There was conflicting evidence whether the teeth fitted her mouth. By one it was testified that it was a good piece of work; by another that they were a fair average piece of work, and by a third that they were nothing extra. Among other instructions the jury was told, that if the plaintiff had used all the knowledge and skill his profession had attained at that time, it would be all that would be required of him, and that they would determine from the testimony whether the teeth were properly made and fitted to the mouth. A verdict was rendered for the defendant.

Exceptions were taken to the instructions "which required the dental practitioner to possess and use the highest knowledge and skill of his profession." Burrows, in support of the exceptions, cited Lamphier *v.* Phips, 8 Carr & Payne, 475; Sears *v.* Prentice, 8 East, 348; Hoacke *v.* Hopper, 7 P. & C., 81; McClellan *v.* Adams, 19 Pick, 333; Chitty on Contracts, 553-554, etc.

The exceptions were sustained, and a new trial ordered.

The rule, as stated in these cases, is laid down in Potter *v.* Wiggins, 51 Maine, 594, as follows:

"Physicians and surgeons (and this rule is also applicable to dental surgeons) offering themselves to the public as practitioners, impliedly promise thereby that they possess the requisite knowledge and skill to treat such cases as they undertake, with reasonable success."

The rule does not require the possession of the highest, or even the average skill, knowledge or experience; only such as will enable them to treat the case understandingly and safely.

"The law implies that they will exercise reasonable and ordinary care and intelligence in all cases they undertake." (*Ibid.*)

"And they are bound to use their best skill and judgment in determining the nature of the malady, the best mode of treatment, and in all respects to do their best to secure a perfect restoration of their patients." (*Ibid.*)

"They do not stipulate success and are not liable for

failure in that respect, unless through some default of their duty." (*Ibid.*)

When a patient accepts the services of a dentist, he enters into an IMPLIED contract, in which it is agreed, on the one hand, that the dentist will render certain services, suitable to his undertaking; and, on the other hand, that the party who accepts the services, promises to pay an adequate reward fixed by the first party for the services rendered.

The law imposes upon both parties the duty of fulfilling the obligations incident to the contract. The dentist cannot withdraw from the contract, unless he is dismissed by the patient or party employing him, or until he gives reasonable notice of his intention of doing so.

Professional men are not to be considered as warrantors of the results of their work, as they never impliedly stipulate for success at all events; unless, as is sometimes the custom of dental practitioners, to warrant the permanency of certain work or operations. The practitioner can give his assurance that the operation was performed to the best of his ability; and never, but in special instances, should he guarantee the permanency of an operation or cure. In the treatment of certain patients, dental practitioners have many adverse circumstances, conditions, and causes to combat, and contingences may arise which render the stability of their operations an uncertainty. As in the failure of gold fillings, due to the neglect of the patient to keep the mouth in a clean condition, which gives rise to micro-organisms, or produces an acid condition of the mouth, thus causing the recurrence of decay. Again, an alveolar abscess or any other disease peculiar to the teeth, which the dentist has apparently cured, may recur, but which is not attributable to the dentist's neglect; however, by warranting the permanency of the cure, he is bound to fulfil his contract and insure the permanency of the cure for the stipulated period, or no compensation or fee is justly due him.

It would be a more just principle if the dentist would give the assurance of his good faith and intentions, and implicitly charge the patient to aid him by every possible

means to insure a successful operation or cure, and should any trouble or contingencies result that can be attributed to the dentist's neglect, he will honorably make all reasonable amends. The reason of this rule has been clearly stated, as follows: Where the result desired, as in the cases cited above, depends both on the skill in the use of the means, and the influence of other causes, the law raises no such implied engagement; it regards the engagement only for the use of the proper means.

The retainer of a lawyer obliges him to the right conduct of a suit, but not for the judgment of the court, for that is beyond his control. The retainer of a physician obliges him to the employment of ordinary medical skill in the treatment of his patient; the cure does not rest with him. (Gallagher *v.* Thompson, Wright, Oh. Rep., 466.)

When a special agreement is made between the dental practitioner and his patient, or if an express contract existed by which a definite result was guaranteed, or when the agreement required an absolute cure or a successful operation, or there should be no compensation, the parties in these cases must abide by the terms of the contract or agreement.

A contract between a dentist-surgeon and his patient will be declared void, if fraud on the part of either can be shown.

In the case of Allen *v.* Davis (4 DeG. and Smale, 133), cited by Daniel Nason, Esq., "Simpson gave a bill of exchange for over £200 to one Davis, a dentist, it being agreed, as was alleged by the latter, that he should, during the former's whole life, attend to his teeth, and supply him with new ones from time to time. He also alleged that the price of a set of teeth varied from £30 to £50. The body of the bill was in the dentist's handwriting; the only part, if any, in the handwriting of the patient, was the signature. It was said to have been given in the dentist's house without the presence of a third party. Simpson died before the bill came due, and it did not appear that any one had heard of it before his death; nor did it appear that the contract was in writing. Other circumstances connected with the

case were, that after Simpson's death Davis spoke and wrote inaccurately on the subject, and had placed the bill in the hands of a creditor of his own, to put it in suit. Meanwhile, Simpson's executors began a proceeding in equity for the purpose of impeaching the bill for fraud, and praying that it might be delivered up to them. The vice-chancellor stated that it was impossible for a reasonable being to draw any other reference from the materials and evidence before him than that the whole transaction was fraudulent, and accordingly granted the relief prayed for.

§ 32. THE RIGHT TO CHARGE FOR LOST TIME.

The right of a dentist to charge for time not actually spent in operating upon a patient, yet set aside for him by appointment, is a question which has resulted in numerous litigations. In these cases the court views the acceptance by a patient of an appointment, for a specified time, with a dentist, as an implied contract; the understood terms thereof holding the patient responsible for such accepted time, (usually one hour for a "single" appointment, unless more time is specified), if he voluntarily violates the contract by failing to keep the appointment, without the consent of the dentist, the first party to the contract. This rule is within the reason, because a dentist relies upon his professional time for support, and if a patient fails to keep an accepted appointment, such time results in a pecuniary loss to the dentist, if he cannot, owing to the default of the said patient, refill it by appointment with another patient.

In the case of Dr. D. D. Smith *v.* W. P. Tatham, heard before Judge Pole, in Philadelphia, Pa., Magistrate's Court No. 9, July 11th, 1891, this point was in dispute. The evidence developed the fact that the defendant engaged the plaintiff to perform certain dental operations, which the latter proceeded with, pursuing his usual methods of operating.

The defendant requested that the roots of the teeth be filled with gold, whereas the doctor in his best judgment and opinion deemed it impractical, in this particular case, and therefore refused to accede to the request; thereupon, the

defendant left the chair and the office, thereby causing the loss of the doctor's time, for that appointment and a subsequent one, which had been agreed upon.

The plaintiff claimed that it was customary among the profession, and that it was their right to follow their own judgment in treatments and operations of the character in dispute. The correctness of his position was corroborated by the expert testimony of Drs. Turner and Rehfuss; also as to the usage of the profession in charging for time set apart by appointment and not used, owing to the default of the patient. Judgment was entered for the plaintiff.

A dentist brought suit against a lady in a Chicago court, in 1875. The plaintiff charged that the defendant made a series of appointments with him and failed to keep them. His claim was for eighty dollars, charging at the rate of two dollars and fifty cents per hour. The plaintiff secured judgment for the whole amount.--Dental Cosmos, XIX, 110.

In these cases the decision of the court will rest upon the circumstances and evidence produced.

§ 33. The Legal Rules Regulating the Amount of the Fees Recoverable.

A dental practitioner may legally recover a fee, the amount of which was fixed by an express contract; but if no agreement was made stipulating the fee to be received by the dentist for his services, he is entitled to recover a reasonable compensation; for it is a well settled principle of law that, where one has used his skill or labor for the benefit of another, the law recognizes an implied promise on the part of the one to compensate the other for his services.

The legal presumption in these cases is that the defendant has derived some benefit from the service, because it is an established rule that, when no beneficial service has been derived by the defendant, there shall be no compensation due the plaintiff, and it is competent for the latter to show that his work was properly done, if that be disputed. (Basten *v.* Butter, 7 East, 479). On the other hand, the defendant,

to evade the claim, must clearly prove that no beneficial services were received by him, or that the service was not of the value as claimed. Daniel Nason, Esq., thus states the law applicable to this point: "If a dentist administers chloroform to a patient and extracts the wrong tooth, he cannot recover for his services, nor can he, if his bill has been increased by his own mistake, as when being employed to extract a tooth and insert an artificial one in its place, extracts two and has to insert two, recover for this additional amount of work." It was decided in the case of Kannen *v.* McMullen (Peake's N. P. C., Vol. I., 83), "that no man can come into a court of justice and recover a fee for the cure of a wound of which he was the direct causal."

Legally, no limitation is placed on the fees recoverable by a dentist other than they be reasonable and in proportion to the amount of services rendered. "Within this rule, a practitioner may charge more or less, using his discretion in estimating the value of the services he renders: but the presumption is that similar charges are made for similar services." (Garrison's Amer. Sys. Dent., Vol. III., 950.) Again, the value of the services of all professional men are not alike. An eminent practitioner, with an established reputation and long experience, can reasonably demand a larger fee than a less experienced practitioner, for the same service, as it is presumed that the party employed him with a knowledge of this circumstance.—Willcox's Medical Profession, III.

A court will not interfere and reduce a bill, unless it is evident that the fees charged are excessive and unjust; in such cases, it is for the jury to decide whether the charges are improper, and regulate them so as they be reasonable and bear a relation to the services rendered. In New York city, recently, a jury reduced a dentist's bill from $445 to $67.

In the bill was an item of $40, charged for repairing a bridge which he himself had made, and which the evidence showed had always given trouble. The jury deemed this charge—and, in fact, the whole bill—unjust, and amended it accordingly.

Again, when the payment of the bill is refused, the dental practitioner is not restricted to items and thereby prevented from showing what his services were reasonably worth, and thus recovering a larger fee than that charged. (Williams *v.* Glenny, 16 N. Y., 39.)

The variety of circumstances—as the nature of the disease, the amount of knowledge and skill required in the treatment, the circumstances under which the services were rendered, the difficulties and expenses attending them, and the responsibilities devolving upon him—regulate the value of the services of a professional man. (Commissioners *v.* Chambers, 57 Ind., 409; Coms. *v.* Brewington, 74 Ind., 7.)

A dentist may hold a set of artificial teeth made or repaired by him as a security for his reasonable charges; this lien he will waive by parting with posession, or by entering into any contract inconsistent with its continuance, as, for instance, when he agrees to give credit for a stipulated time. (Edwards or Bailmerts, §§ 420–425).

§ 34. LIABILITY OF A THIRD PARTY WHO REQUESTS THE SERVICES OF A DENTIST FOR THE BENEFIT OF ANOTHER.

When a person calls a dental surgeon to perform a service for the sole benefit of a third person, and he himself does not expect to derive any benefit therefrom, nor pay for the service rendered, the law will not imply an employment by the party making the request, and as there is no implied promise to pay therefor, he cannot be held liable for the same. (Field's Medico-Legal Guide, § 114; Abbot, Trial Ev., 358; Boyd *v.* Sappington, 4 Watts Rep., 247; Norris *v.* Dodge, 23 Ind., 190.)

It has been held, in an action in Court, that in order to recover on the ground of a request, it must appear that the person making it intended to pay for the services, and that both parties understood it in that way. (Smith *v.* Watson, 14 Vt., 332; Boyd *v.* Sappington, 4 Watts, Pa., 247; Williams *v.* Breckell, 37 Miss., 682; Dunbar *v.* Williams, 10 John, N. Y., 249; Field's Medico-Legal Guide, § 114.)

"The third person cannot be held liable, unless the relation between him and the person operated upon is that of parent and child, guardian and ward, husband and wife—the domestic relation." (A. D. Lauer.)

The advice to the dental practitioner is not to hold a claim against one person for services to another upon a mere request—a promise to pay—but to obtain in some manner an acknowledgment of a liability or promise to pay.

§ 35. CLAIMS FOR SERVICES FOR MARRIED WOMEN.

A married woman is not liable for necessities furnished her, unless she makes a contract therefor in her own behalf, because the presumption is that, when she obtains necessities for the family of her husband and herself, she is acting as his agent, and on the husband lies the primary duty of furnishing and paying for them.

However, the wife may be the financially responsible party for the services rendered, in consideration of her express promise binding her separate estate for the payment thereof.

In a case—Gilman *v.* Andrus, 28 Vt., 241—it was decided, "that artificial teeth must be considered necessities, and for that reason the husband is liable for payment when they have been furnished his wife, particularly if she retains them with his knowledge, and he has given the dentist who supplied them reason to believe, from previous conversation with him, that she was authorized to contract for them.

Even under the Act of 1887, giving a married woman control of the disposition of her own property, the husband (in an action for necessaries) must be joined in the suit. A dental or medical practitioner cannot recover from the husband for services rendered the wife, if the husband shows to the satisfaction of the jury that he gave notice to the plaintiff that he would not be responsible, and that he had secured the services of another; for while the law holds him liable for such services to his wife, it gives him the choice of offering any competent practitioner he sees fit. (Remick *v.* Crabtree, 21 W. N. C., 31.)

§ 36. LIABILITY OF MINORS FOR SERVICES.

Generally, a minor cannot be held liable for services for which he contracts, but, under certain circumstances, the law allows exceptions, when their contracts are for necessaries furnished him. As a minor cannot bind himself for necessaries when he has a parent or guardian who supplies his wants, it is incumbent upon those who intend to furnish necessaries to the minor, to apply to such guardian or parent and contract with him.

If, upon inquiry, it is shown that the minor is not provided by his parents or friends with the necessaries, a stranger may supply the necessaries proper for him.

In case of utter desertion of a child by his father, he would be liable for necessaries supplied to him by another person. And a ward can be furnished with necessaries upon his own contract, if his guardian cannot or will not furnish them for him. (Guthrie *v.* Murphy, 4 Watts, 80; Story, on Contracts, sec. 87; Williams, on Physicians, 47; Johnson *v.* Sims, 6 Wand S., 80; Newport *v.* Cooke, 2 Ashmead, 332, etc.)

An infant is liable for services performed by a dentist. (Lee *v.* Griffin, E. B. and S., 272.)

And the filling of teeth for their preservation, to give relief from pain and prevent its recurrence, is a necessary for which an infant is liable.

According to the statutes of Pennsylvania, males and females who are under the age of twenty-one years, are considered minors.

§ 37. THE BOOK-ACCOUNTS OF DENTISTS.

To the book-accounts of the dental practitioner much legal importance is attached, in proving his claims for services.

It is of practical consequence that the entries be made in the day-book, on the same day the service is rendered, although some authorities allow a short grace after the day. The account should be charged to the person who is to pay it, and give dates, items, and prices. The charges should

not be lumped, but as specific as possible; they should not make one charge for two or more fillings, or for several treatments, but should be distinctly itemized. If this plan is not carried out, the books are imperfect, and, if admissible at all, are unsatisfactory in proving the value of the services charged.

Various methods are used by dentists, wherein day-book and ledger are combined, and various marks and signs are substituted for plain language, to represent a certain class of operations. These methods are viewed with disfavor by the court and juries, and are sometimes overruled and excluded as evidence.

As stated, it is the best practice to enter the charge for the service at once, because it is of importance to do so in case the debtor should happen to die. Under these circumstances, the dentist would have to prove the value of his services by other persons, as no reliance could be placed in the books. Should the dentist produce his book, and it was properly conducted, with the regular methods of entry, he would have little difficulty in collecting his claim. According to the Act of 1869, a physician is not bound to prove his claim by his books. If the debtor is living, under this Act the physician can be a witness himself to prove his claim in any way; but in case his debtor is dead, he is confined to his book-account and other testimony besides his own. (Williams, on Physicians, etc., p. 50-52.)

It was held that this Act applies as well to the dental practitioner.

Richard Williams says: "If proper books are kept, an advantage will be gained in the State of Pennsylvania under its affidavit-at-defense law."

That law authorizes copies of book-accounts to be filed in suits in court, and thereupon the defendant will be required to file an affidavit, stating the grounds of his defense. If no such book is kept, or if such book has not been properly kept, the result may be that the claimant will have to prove his claim before a jury. Much time elapses before a claimant can succeed in having his case brought to

trial, and it will be greatly to the interest to dental practitioners with large practices to avoid, if possible, such a result, by keeping books that will stand the test of judicial scrutiny.

A case in point showing the difficulties attendant upon the collection of a bill by suit, is illustrated in the settlement of the estate of Ambrose White, 11 Phila. Rep., 100. Here a claim was presented for services as a dentist to the decedent. It was claimed that the bill was false and unfounded, and, to prove the charges against decedent in his book of original entries, both his reputation for truth and veracity, and of his books of original entry for correctness and fair dealing, were attacked, and the claim was disallowed. The Orphans' Court held that particular instances of irregularity and false charges may be proven, to discredit the books and show them unreliable.

§ 38. PARTNERSHIPS.

The general laws of partnership are applicable to partnership agreements which are formed between dentists.

In the formation of a partnership, no especial formalities need be observed, nor must the agreement necessarily be in writing, unless when an unequal division of the profits is to be made, when the terms of partnership must be drawn up, otherwise the legal presumption is that the partners share equally in the profits and losses.

Partners must exercise good faith in all of their dealings in the firm's name; a willful and continued neglect of business, immoral conduct materially affecting the business, gross misconduct in reference to partnership matters, or permanent physical incapacity, are just grounds for the dissolution of the partnership.

A partnership may also be dissolved by mutual consent, or by the expiration of the time in which it was to continue.

Daniel Nason, Esq., cites an interesting discussion as to the right to use the firm-name after dissolution, *viz.:* The parties to this suit practiced dentistry under the firm-name of "Morgan & Schuyler," in the city of Rochester. (79 N.

Y., 490.) Having dissolved by mutual consent, the defendant purchased certain partnership property, assumed the rent, and continued to occupy the rooms of the late firm. It was understood that the plaintiff was to open another office in the same city, and this he did. After the dissolution, the plaintiff caused his name to be removed from the sign containing the firm's name; but the defendant replaced it as nearly as possible as before, and then placed over the firm-name, on the sign, the following: "B. F. Schuyler, successor to," in letters so small and in such a way as to be almost imperceptible. This action was brought to restrain the defendant from using the plaintiff's name on signs, circulars, or advertisements, or from declaring himself to be the successor of the late firm of Morgan & Schuyler. A judgment was directed granting the plaintiff the relief sought, and a reference was also directed to ascertain his damages. This judgment was sustained by the Court of Appeals. Judge Danforth, in giving the opinion of that Court, said: "There was nothing in the former relations of the parties, or the express terms of the agreement of dissolution, which gave to either one the good-will of the business hitherto conducted by them under the firm-name of 'Morgan & Schuyler,' nor was either in any way restrained from continuing the practice of his profession on his own account in any place. Yet the defendant became the equitable assignee of the unexpired term of the lease under which the firm held its place of business, and the sole owner of certain partnership property and fixtures. He thereby acquired an advantage over the plaintiff, for he had the exclusive right to occupy the rooms of the late firm, and as an incident thereto, the benefit of that good-will which Lord Eldon defines 'as the probability that the old customers will resort to the old place.' The extent of this depends partly on the force of habit, and in the case of such business as had been carried on by these parties, in some degree, on the satisfaction which the patient had received at the hands of one or the other member of the firm; but it is after all a very different theme from the good-will which may be said to attach to the per-

son of a professional man, as the result of confidence in his skill and ability. The first is of no value except to the occupant of the place, while the latter is inseperable from the person and follows its possessor wherever he goes. So far as it belonged to the plaintiff it could not have been transferred to the defendant; but the advantage secured to him, as the occupant of the old place of business, would doubtless have been rendered more valuable if the plaintiff had retired, not only from the firm, but from the practice of his art. This, however, he not only did not undertake to do, but it was understood by both parties at the time of dissolution that the plaintiff was at once to open an office, and carry on his business of dentistry in the same city.

This fact precludes the idea that the defendant acquired any good-will in the business, except such as was incident to his sole ownership of the property mentioned in the agreement. It is evident, therefore, that it was not the intention of the parties that the defendant should, in the conduct of his business, in any manner use the plaintiff's name, either in combination with his own, as 'Morgan & Schuyler,' or in subservience to it, by declaring himself the 'successor' to that firm. It is not claimed that there is any express contract to that effect, and none can be implied, either from the language of the agreement actually made, or from any fact or circumstance connected with it. * * * * * * Nor has the defendant any better right to declare himself the 'successor' of the firm of 'Morgan & Schuyler.' In so doing, he represents not only that the firm is extinguished, but that his co-member has quit, or retired from business. The latter, therefore, will lose patronage to which he is entitled, for those persons who might otherwise resort to him for assistance, will be misled into supposing that his services cannot be obtained. In either aspect the plaintiff's case was made out. It does not follow, however, that the defendant may not avail himself of the full value of his purchase, and to that end, by signs or advertisements, refresh the memory of those customers who had acquired a preference for the particular locality in which he continues his business,

or recall to their attention the circumstance to which that performance may be due. He may lawfully describe the rooms as 'formerly occupied by Morgan & Schuyler,' or himself as 'formerly,' or 'late' of that firm, by these or other phrases. He would thus state simply facts belonging to his own life or incident to the office, as much so as to the time or place of his birth, the name of his father or instructor, or the college from which he graduated, or the time when the premises were first used in the practice of his calling. All this might be done in good faith."

Whether a partnership exists in a particular case is a mixed question of law and fact. The partnership may last for any time agreed upon by the partners. It is terminable at will, unless it has been agreed that it will endure for a specified period.

The shares of partners are *prima facie* equal. Inequality must be proven by evidence. Each member of a partnership is entitled to take a share in its management, unless, as is frequently the case, one member is appointed managing partner.

A partnership at will is dissolved by the termination of the will or agreement of the partnership share. After dissolution, the persons who constituted the partnership become tenants in common of the partnership property until the division of assets, unless any other provision is made by agreement. The partnership debts are paid out of the partnership assets, and the private debts out of the private assets.

§ 38. CONTRACTS BETWEEN PRECEPTOR AND PUPIL.

Daniel Nason, Esq., submitted the following forms of contract, by request, to the New York Dental Society. *

AGREEMENT, Made in the.....of....., County of ....., in the State of New York, this.....day of..... 189..., between.....of the.....of....., County of....., in the State of New York, party of

* These contracts were drawn by the partner of Daniel Nason, Esq.

the first part, and.....of the.....of ..... County of....., in the State of....., party of the second part.

WITNESSETH, That.....

WHEREAS, the said party of the first part by profession a dentist, and duly qualified as such under the law of the State of New York to practice his said profession of dentistry within said State, is desirous of associating with himself as a .....the said party of the second part, to the end that he may teach, instruct, and perfect the said party of the second part in the practice and art of said profession of dentistry, and that the said party of the second part may assist and co-operate with him in the practice of his said art or profession; and whereas, the said party of the second part is desirous of associating himself with the said party of the first part; and whereas, the said party of the first part now has a large and extended practice in his art or profession of dentistry, and many patients who resort to him for treatment in his said art or profession from the region in and about the .....of.....extending to a distance of many miles in all directions therefrom, to wit: to the distance in all directions of about.....miles; and both the parties hereto are desirous that on the dissolution of the relationship created between the parties hereto by this agreement, there should be no conflict of interests between the said parties in the practice of their profession or art of dentistry. Now, this Agreement witnesseth, that in consideration of the mutual promises hereinafter set forth, and of the sum of one dollar by the party of the first part to the party of the second part this day in hand paid, the receipt whereof is hereby acknowledged, it is mutually promised, covenanted, and agreed by and between the parties hereto.

I. That on the terms and conditions in a memorandum hereto annexed, expressed, the party of the first part will well and properly, in the manner and according to the customs and usages in that respect now practiced in the art or profession of dentistry, teach, instruct and perfect the party of

the second part in the art, practice, and profession of dentistry for and during the period of..... from the date first above written.

II. That, on the terms and conditions in a memorandum hereto annexed, expressed, the party of the second part will well and faithfully, for and during the period of..... from the date first above written, the said party of the first part assist in, and learn from him, the said art, practice, and profession of dentistry, in the manner and according to the customs and usages in that respect now practiced in the art or profession of dentistry; and the said party of the second part hereby expressly promises and agrees, that during the continuance of, or upon the dissolution in any way, of the relationship, between the parties hereto by this agreement created, he will not practice or follow the art or profession of dentistry in the.....of.....in the State of New York, or within the distance of.....miles from said .....of....., while the said party of the first part shall practice or follow the said art or profession of dentistry in the said.....of....., or within..... miles thereof; saving and excepting such time as he, the said party of the second part, may so practice or follow the art or profession of dentistry by the written consent of, and as assistant to, or pupil of, the said party of the first part.

III. That the terms and conditions in the memorandum hereto annexed, expressed, shall be taken as a part of this agreement the same as if they had herein been set forth in full.

In Witness Whereof we have hereunto set our hands and affixed our seals the day and place first above written.

.....[L. S.]

.....[L. S.]

STATE OF NEW YORK, } ss.
COUNTY OF..... }

On the.....day of....., 189..., before me personally came.....to me personally known, and known to me to be the persons mentioned and described in the foregoing instrument and who executed the same, and they thereupon severally acknowledged to me that they had executed the same for the intents and purposes therein expressed.

Memorandum mentioned and referred to in the foregoing instrument.

The terms and conditions of the agreement in the foregoing instrument other than those therein expressed are:.....
.....
.....
.....
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.....
.....

CONTRACT FOR MINORS.

WHEREAS, at.....request.....dentist of the.....of....., County of....., in the State of New York, as the party of the first part, on the .....day of....., 189..., entered into a certain agreement in writing with one.....of the..... of....., County of....., in the State of....., an infant, as party of the second part, whereby among other things the said party of the first part, subject to the terms and conditions in said agreement, agreed to teach, instruct, and perfect, during the period of..... from the date of said agreement, in the art, practice and profession of dentistry, the said party of the second part; and the said party of the second part thereby, among other things, for a like period, and subject to the same terms and conditions, agreed to, well and faithfully, the said party of the first part, assist in, and learn from him, the said art,

practice and profession of dentistry, and promised and agreed that he, the said party of the second part, would not, during the continuance of or upon the dissolution, in any manner, of the relationship created between the parties thereto by said agreement, practice or follow the art or profession of dentistry in the.....of....., in the State of New York, or within the distance of.....miles from said .....of.....while the said party of the first part should practice or follow the profession of dentistry in the said.....of.....or within.....miles thereof, saving and excepting such time as he, the said party of the second part should so practice or follow the art or profession of dentistry by the written consent of, and as the assistant to, or pupil of, the said party of the first part. Now, therefore, KNOW ALL MEN BY THESE PRESENTS, That in consideration of the said .....having at.....request entered into the agreement above set forth, and in consideration of one dollar to.....in hand by the said..... paid on the ensealing and delivery of these presents, the receipt of which is hereby acknowledged.....

.....

.....held and firmly bound unto..... of the.....of....., in the State of New York, in the sum of.....dollars, lawful money of the United States of America, to be paid as liquidated damages and not as a penalty, to the said....., his executors, administrators, or assigns, for which payment well and truly to be made.....bind..... heirs, executors, and administrators, firmly by these presents.

Sealed with.....seal.....and dated the..... day of....., 189...

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if....., an infant, hereinabove mentioned and described, shall well and truly perform, according to the true intent and meaning thereof, all the agreements and promises by him, in the said agreement hereinbefore mentioned and described, agreed and promised to be

performed, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of

.....[L. S.]

.....[L. S.]

STATE OF NEW YORK, } *ss.*
COUNTY OF..... }

On the.....day of.....189..., before me personally came.....to me personally known and known to me to be the person mentioned and described in the foregoing instrument, and who executed the same, and.....thereupon.....acknowledged to me that.....had executed the same for the intents and purposes therein expressed.—N. Y. Trans., Items of Interest.

§ 39. THE LEGAL RELATIONS OF A DENTIST AND HIS ASSISTANT.

The law recognizes certain relations existing between the dentist and his assistant, and, when necessary, protects the professional rights of the former from invasion by the latter.

As a general rule, they are governed by the ordinary law of master and servant.

In reference to the following legal propositions, by an assistant is implied one who aids the dentist in his professional duties and has not complied with the statutory enactments, in contra-distinction to the assistant who has received a diploma or fulfilled the requirements necessary to the practice of dentistry in the state or county in which he practices as an assistant. In various states the dental statutes have certain clauses especially inserted applying to the assistant, stating the qualifications necessary to be possessed by him and the regulations to be observed. In others, this is not specified in the statutes.

For instance, in the New Jersey statutes, no reference is made to the assistant, and according to the new laws he is required to possess the same qualifications as a regular practitioner. He must possess a diploma from a recognized and reputable dental college in addition to passing the examination of the State Board of Examiners. This view has been accepted as the correct interpretation of these statutes, because at the present time a New Jersey dentist will not engage an assistant, unless he possesses these qualifications or has fulfilled the necessary requirements. This is obvious, because the assistant performs the duties of a regular practitioner; and on behalf of his employer accepts from the patient a fee for his services, the same as though he were his own master. As he usually receives from his employer a salary for his services, in no wise can it be construed otherwise than that he is a regular practitioner, but subject to the personal will of his employer, of which no cognizance can be taken by the public or others.

Nothing in these statutes can be construed to prevent a student or other person from performing the mechanical operations (for definitions see § 38) in the laboratory of a dentist. Again, under the direct supervision of his preceptor, a student, doubtless, may perform dental operations; but the belief is that his preceptor could not collect a fee for such services, according to the accepted interpretations of these statutes.

However, according to People *v.* Monroe (4 Wend., 200), "a dentist can recover his fee for the services of his assistant, and this even though the assistant has not fulfilled the statutory requirements."

In similar prosecutions, it is a matter of doubt whether this decision would be recognized as lawful or influence the result of the case, especially if the assistant has failed to fulfill the statutory requirements.

When a dentist allows his assistant to attend regularly to his practice and gives him authority to enter into express or implied contracts with his patients, he is held liable for all such contracts.

Again, where an assistant usually orders drugs or dental materials on credit, and the dentist usually pays for them, the

dentist will be held liable to pay for any goods of a similar character, which the assistant may obtain on credit for his own use. (Nickson *v.* Brohan, 10 Mod., 109.)

A dentist will be held liable in damages for any injury his assistant, acting within the scope of his employment, does a patient through want of skill, or carelessness and negligence on his part. (Hancke *v.* Hopper, 7 C. & P., 81.) The law protects the dental practitioner from his assistant injuring his practice, or from deriving any prestige, by imitating the cards and signs of his employer. On this point, Daniel Nason, Esq., cites the facts of the case of Colton *v.* Thomas, 2 Brews., 308, as follows: "The plaintiff purchased of Dr. Gardner T. Colton, of New York, the right to use the name, "Colton Dental Association," in connection with the use of nitrous oxide gas to alleviate pain in the extraction of teeth, and commenced practice in the city of Philadelphia under the designation of the "Colton Dental Association." When the defendant, who had been in his employment, opened dental rooms for himself, he issued cards and put out signs very similar to those used by Dr. Colton, with the addition, however, of the words, "formerly operator at," in very small and almost illegible letters. The court restrained the defendant from using the cards and signs complained against, on the ground that such use was a fraud upon the public; and it also restrained the employment by the defendant of any device by which the patients and patrons of the plantiff, without the exercise of excessive care, would be induced to suppose that the defendant's place of business was the place of business of the "Colton Dental Association."

A dentist may desire to restrain his assistant from practicing in the same locality as he does, on the termination of the relations between them. Some dentists, to avoid the possibility of such occurrences when employing an assistant, make with him what is known as a "contract in restraint of trade" (see § 40, which is one of the forms of this class of contracts); that the assistant, by reason of the prestige gained by his association with him, and the advantage of such loca-

tion, will not influence patients to leave his former employer, and instead engage his professional services.

Public policy does not favor "contracts in restraint of trade," yet they are valid when the conditions prescribed are confined within certain limitations.

The requisites which are essential to the validity of contracts of this character, are: First, that the restraint be partial; second, that it be reasonable; and third, that the assistant receive an adequate consideration for the privileges waived.

In the case of Horner *v.* Graves (1 Bing., 735, cited by Daniel Nason, Esq.), "the plaintiff, who was a surgeon-dentist, entered into a contract with the defendant, by which the former agreed to employ the latter, paying him for his services, for the term of five years; and in addition thereto, that he would instruct him in the profession of a surgeon-dentist. On the part of the defendant, it was agreed, among other things, that he would faithfully serve the plaintiff as assistant, and that he would not, at the expiration or sooner termination of the said term of five years, provided the plaintiff was then living and practicing his profession, practice as surgeon-dentist at or within one hundred miles of the city of York, without the plaintiff's previous consent in writing, under a penalty of £1,000. The defendant violated the latter terms of agreement, and thereafter the plaintiff brought this suit to recover the penalty. Counsel for the defendant contended that this contract was void, on the ground that the restraint was unreasonable, and the consideration inadequate. On the question whether the restraint was reasonable or not, the court said: "We do not see how a better test can be applied to the question whether reasonable or not, than by considering whether the restraint is such only as to afford a fair protection to the interests of the party in favor of whom it is given, and not so large as to interfere with the interests of the public. Whatever restraint is larger than the necessary protection of the party can be of no benefit to either; it can only be oppressive. And if oppressive, it is in the eyes of the law unreasonable. On the true inspection of this, it must strike the mind of any man that a

circle round York, traced with a radius of one hundred miles, encloses a much larger space than can be necessary for the plaintiff's protection. The nature of the occupation, which is one that requires the personal presence of the practitioner and the patient together at the same place, shows that the plaintiff has shut out the defendant from a much wider field than can by any possibility be occupied beneficially by himself."

On the question of the adequacy of the consideration, the court further said: "It must be confessed it is very small compared with the restraint under which the defendant consents to place himself. * * * * * * * * At the time of entering into this contract he was at liberty to set up his claim and endeavor to gain his livelihood in the city of York. But under the present contract, after being employed by the plaintiff for three months only, and receiving in consequence no more than the sum of £30, he was liable to be prevented from carrying on his business and earning his livelihood within the space comprehended within a circle drawn with a radius of one hundred miles from the city of York. Surely this appears a very slender and inadequate consideration for such sacrifice."

Cook *v.* Johnson (47 Conn., 175) is a case illustrating a valid contract in restraint of trade. Here, the defendant sold to the plaintiff his dental practice, and agreed, for the sum of $100, not to practice dentistry within a radius of ten miles from Litchfield.

There was no limitation whatever in regard to the time during which the restraint was to continue; but, in the opinion of the court, such a limitation, under the circumstances, was not required; for the reason that there is a well-settled distinction between a general restriction as to place, and a general restriction as to time. The mere fact that the duration of the restriction as to time is indefinite or perpetual, will not of itself avoid the contract, if it is limited as to place, and is reasonable and proper in all other respects.

§ 40. AUTHORITY AND LEGALITY OF STATE BOARDS.

The statutes and enactments regulating the practice of dentistry in the majority of the states, provide for the appointment by the Governor, or election by the State Dental Society, of a State Board of Dental Examiners, whose duty it is to carry out the purposes and enforce the provisions of the statutes. The board is usually composed of from five to seven reputable dentists, and they are commissioned to examine all applicants who wish to practice dentistry in the State; and, furthermore, they are empowered to grant them a certificate of qualification entitling them to engage in the practice of dentistry in that Commonwealth, providing the said applicants have complied with the provisions of the Act.

The authority and legality of such State Board of Examiners has been questioned, but there is no doubt as to their constitutionality.

Dentistry being analogous to medicine, the annexed case and decisions, in a medical case published in the "Cosmos," is quoted to emphasize and support the views and conclusions stated above, *viz.:*

An opinion was rendered in the Supreme Court of the United States January 14th, 1889, in the case of Frank M. Dent, plaintiff in error, *v.* the State of West Virginia. In error to the Supreme Court of Appeals of the State of West Virginia. Dent was convicted of unlawfully engaging in the practice of medicine without a diploma, in violation of a statute which requires every practitioner of medicine to obtain a certificate from the State Board of Health, that he is a graduate of a reputable medical college, or that he has practiced medicine in the State continuously for ten years, or *that, he has been found, upon examination by the board to be qualified to practice medicine.* Dent appealed the case to the State Court of Appeals, asserting that the Act was unconstitutional, inasmuch as it deprives him of liberty and property without due process of law, contrary to the fourteenth amendment to the constitution. The Court of Appeals gave judgment against Dent, and this court affirms that decision.

The court, in an opinion by Justice Field, says: "It is undoubtedly the right of every citizen of the United States to follow any lawful calling he may choose, subject only to such restrictions as are imposed upon all persons of like age, sex, and condition. This right may, in many respects, be considered as a distinguishing feature of our republican institutions. Here all vocations are open to every one on like conditions.

"The right to continue the practice of professions is often of great value, and cannot be arbitrarily taken away any more than real or personal property can; but there is no arbitrary deprivation of such rights where its exercise is not permitted because of a failure to comply with conditions imposed by the State for the protection of society. The power of the State to provide for the general welfare of its people, authorizes it to prescribe all such regulations as may be necessary to secure the people against the consequences of ignorance and incapacity, as well as of deception and fraud."

In this connection the following remarks by Judge McGary, of Washington, in a paper on "Are Medical Laws Constitutional,?" published in "Hearth and Home," September 15th, 1884, are worthy of consideration:

"The State may doubtless create a Board of Health, or a similar body, and require every physician to register his license with the board, or in the office of the County Clerk, or other appropriate place. But his right to practice will not depend upon his registration, as the right has been already vested and assured by the diploma of the college. And should the State also vest this Board of Health with the right, and even the duty, of examining and licensing applicants, it could not apply to those who held a license from the incorporated colleges. Nor could it militate against or invalidate in any way the right of the colleges to issue valid diplomas and licenses, before or after; for not even can the State, by its legislation, divest or impair a vested right which the colleges already had."

In Wilkins *v.* State (Black's Indiana Digests, 3,652), the decision was rendered that: "The Act of March 7th, 1887, to

regulate the practice of dentistry, prescribing what qualifications a person who enters upon the practice of the profession shall possess, and providing for the issuing of certificates to applicants by a Board of Examiners, is constitutional and valid."

The court will take judicial knowledge that the dental profession is one requiring skill, and that an unskilled person may injure one who employs him, and this being so, the Legislature may prescribe the qualifications of those permitted to practice the profession.—*Ibid.*

Legislative Power.—The Legislature having plenary power over the whole subject, it alone must be the judge as to what is wise and expedient, both as to qualifications required and as to the method of ascertaining those qualifications, and so long as it keeps within the constitution, the courts can exercise no supervisory power.—*Ibid.*

Corporation.—The provision delegating to the Indiana Dental Association the naked power to name three members of the Board of Examiners, provided for in said Act, is not a grant of corporate power, and hence is not a violation of the constitutional provision forbidding the creation of a corporation by special Act.—*Ibid.*

Board of Examiners.—While the Board of Examiners in some degree acts judicially, it performs no judicial duty within the meaning of the constitution, and therefore the Act is not invalid, because it does not make such provisions as would be necessary if the examiners constituted a judicial tribunal. —*Ibid.*

The time and place of meeting of the Board of Examiners are to be fixed by the person whom the law has vested with authority, and one who desires a license must make reasonable inquiry, and if he fails to do so, he cannot defend a prosecution for practicing without a license, on the ground that no notice had been given him (Black's 1881–1888 Digests of Indiana).

§ 41. THE CONSTITUTIONALITY OF DENTAL LAWS.—LIABILITY FOR PRACTICING WITHOUT A DIPLOMA OR LICENSE.

These two subjects are analogous, and are treated together, because a dentist or alleged dentist, when charged with the illegal practice of dentistry, invariably has recourse to the defense of the unconstitutionality of the statutes regulating the practice of dentistry, if he cannot fulfill the requirements and qualifications of these statutes. Therefore, in their relations, the two subjects sustain an equal and similar importance—the one being dependent upon the other, is the reason of their amalgamation. Consequently, before considering the statutes and the penalties prescribed by legislation for their violation, it is a necessity to show that the courts sustain such laws, for whose violation it prescribes penalties; however, if the courts fail to uphold the statutes and declare them illegal, as has unreasonably been done by the Supreme Court of New Hampshire (quoted elsewhere), there can of course be no violation of the law, and as there would be no legal restrictions, any person could practice dentistry without being subject to penalties, the Penal Codes being also invalidated by such a decision.

The objective point, as stated, is to prove the validity of the State enactments, then the penalties that involve their violation can be shown.

These statutes have been attacked without reason or justification. It cannot be denied that the Constitution of the United States empowers the State Legislatures to enact such laws and provisions for the protection of the people from empiricism in relation to the practice of dentistry, to exclude from practice those who are unfitted for it. It has been decided by decisions in the Supreme Court that, in the exercise of that right, the Legislature may make such enactments which may require as a condition of the right to practice, that the person shall obtain a license; it may also provide for the appointment of, or designate some officer or board, to issue the license or determine whether the applicant possesses the qualifications necessary to entitle him to it,

and may prescribe the qualifications required, and how the possession of them by the applicant can be entertained. In relation to this subject the opinion and decision of the Supreme Court of Minnesota that sustained the Minnesota law governing the practice of dentistry in that State, in the case of State *v.* Geert A. Vandersluis, appellant, can be quoted.

[The New Jersey Dental Law which went into effect April 1st, 1890, has provisions similar to the Minnesota law, *viz.*, in requiring the applicant to possess a diploma from a reputable college, and in addition pass an examination before the State Board of Dental Examiners. The New Jersey law has been criticised as unreasonable, and therefore, if tested in the Supreme Court, would be declared unconstitutional; the decision of the Supreme Court of Minnesota in the case quoted below, certainly has an important bearing thereon.]

The opinion in full is, as follows:

"That the Legislature may prescribe such reasonable conditions upon the right to practice medicine or law as will exclude from the practice those who are unfitted for it, is so well settled by decisions of the courts as to be no longer an open question. The power rests on the right to protect the public against the injurious consequences likely to result from allowing persons to practice those professions, who do not possess the special qualifications essential to enable the practitioner to practice the profession with safety to those who employ him. The same reasons apply with equal force to the profession of dentistry, which is but a branch of the medical profession. That, in the exercise of that power, the Legislature may require as a condition of the right to practice that the person shall procure a license, may designate some officer or board to issue the license and to determine whether an applicant possesses the qualifications required to entitle him to it, and may prescribe, so far as can be done by a special law, what qualifications shall be required and how the possession of them by the applicant shall be ascertained, necessarily follows from the power itself.

"It is for the Legislature and not for the courts to determine those things. The only limit to the legislative power to

prescribe conditions to the right to practice in a profession, is that they shall be reasonable. Whether they are reasonable, that is, whether the Legislature has gone beyond the proper limits of its power, the courts must judge. By the term reasonable we do not mean expedient, nor do we mean that the conditions must be such as the court would impose if it were called upon to prescribe what should be the conditions. They are to be deemed reasonable, where, although perhaps not the wisest and best that might be adopted, they are fit and appropriate to the end in view, to wit, the protection of the public, and are manifestly adopted in good faith for that purpose. If a condition should be clearly arbitrary and capricious, if no reason with reference to the end in view could be assigned for it, and especially if it appeared that it must have been adopted for some other purpose, such, for instance, as to favor or benefit some person or class of persons; it certainly would not be reasonable, and would be beyond the power of the Legislature to impose.

"In 1885, the Legislature passed an Act to regulate the practice of dentistry, Ch. 199, Laws 1885. This Act continued in force until it was superseded and repealed by Ch. 19, Laws 1889. The latter Act is assailed as unconstitutional. Though the Act of 1885 is not called in question, we think it well to refer to some of its provisions. Section 1 made it unlawful for any person not at the passage of the Act engaged in the practice of dentistry in the State, to commence such practice without a certificate as in the Act provided. Section 5 provided for the certificate, which was to be issued by the Board of Examiners provided for in the Act, upon a satisfactory examination. Section 4 made it the duty of every person at the time engaged in the practice of dentistry in the State to within six months after the passage of the Act, to cause his name and residence or place of business to be registered with the board in a book to be kept by it for that purpose, provided that every person so registered is a practitioner of dentistry and might continue to practice as such.

"Chapter 19, Laws 1889, Section 1, provides that from and after September 1st, 1889, it shall be unlawful for any

person to practice dentistry in the State, unless he shall have first obtained a certificate of registration and filed the same, or a certified copy thereof, with the District Court of the county of his residence, as in the Act afterwards provided. Sections 2 and 3 provide for a Board of Examiners. Section 4 makes it the duty of the board to transfer to a register, to be kept by it for that purpose, within ten days after the second Tuesday in July, 1889, the name, residence, and place of business of each and every person who on the second Wednesday in July, 1889, pursuant to the Act of 1885, shall be qualified to practice dentistry in the State, and who shall then be duly registered on the books of the board created by the Act of 1885, and makes it the duty of the board to send to each of such persons a certificate of his registration.

"It will be seen from these various provisions that those qualified to practice dentistry under the law of 1885 continued to be so qualified under the Act of 1889, including both those who were in practice at the date of the former Act and registered as it required, and those who became qualified by the examination and certificate provided by it.

"Section 5 of the Act of 1889, the provisions of which furnish one of the grounds on which appellant assails the Act as unconstitutional, provides that any person who shall desire to begin the practice of dentistry in the State after September 1st, 1889, shall make application for examination to the Board of Examiners, paying a fee of ten dollars, and shall undergo an examination. The section further enacts: 'In order to be eligible for such examinations, such person shall present to said board his diploma from some dental college in good standing, and shall give satisfactory evidence of his right to the possession of the same; provided also, that the board may in its discretion admit to examination such other persons as shall give satisfactory evidence of having been engaged in the practice of dentistry ten years prior to the date of the passage of this Act.

"'Said board shall have the power to determine the good standing of any college or colleges from which such diplomas

may have been granted.' It then goes on to perscribe the manner, extent, and subjects of the examinations.

"What particular objections of a constitutional character, the appellant makes to this section, it is somewhat difficult to tell from his brief. We infer, however, that he claims the section to be objectionable because, no matter how well qualified by learning and skill or experience one may be, he has no absolute right to be examined by the board, unless he has a diploma from a dental college in good standing, such good standing to be determined by the board, and this he claims to be a discrimination between the rich and poor, because one may be pecuniarily able and the other not able to attend a dental college. The mere fact of discrimination in such a law is no objection to it. Requiring a certain degree of learning and skill as a condition of being allowed to practice, is discrimination between those who have and those who have not that degree of learning and skill, between those who are able and those who are unable to acquire it.

"If there were discriminations between persons or classes upon any matter not pertinent to the legitimate purpose of the law, to wit, to secure fitness and competency in those who shall be permitted to practice, it would be objectionable. As, for instance, if it were as to place of birth, color, or religious belief. The requirement of a diploma from some college or learned society in order to practice medicine, has been inserted into the laws of many states and questioned in but few. In Massachusetts, a law required the practitioner to have been licensed by the Medical Society, or been graduated a doctor in medicine at Harvard University. This was held constitutional in Hewitt *v.* Charier, 16 Pick., 356. The statute of Nevada (1875) required a medical education and a diploma from some regularly chartered medical school. This was held constitutional—*ex parte* Spinney, 10 Nev., 323. As the fact of having graduated at and received a diploma from a school or college devoted to teaching the particular sciences, medicine, surgery, or dentistry, bears directly upon the person's qualifications to practice, we have no doubt the Legislature might have made that the sole test.

"That this statute allows, in the discretion of the board, ten years' practice, prior to the passage of the Act, as a substitute for the diploma of a college, furnishes no objections on constitutional grounds to the Act. True, it is asked why ten years' practice after the passage of the Act ought not to entitle one to the same right as ten years' practice before its passage. A sufficient answer to this is that such practice after the Act, if in this State, would be in violation of law, and the Legislature surely may provide against inviting violations of the law, and for that purpose withhold all benefit from its violators.

"It is objected that it is left to the discretion of the board to determine whether ten years' practice, instead of a diploma, shall admit one to examinations. On the score of expediency some questions might be made upon it. But as the Legislature might have left that provision out altogether and made no concession to the requirement that an applicant for examination should have a diploma, we do not see that any questions can be made of the power to fix the period of ten years, nor of the power to leave it for the board to determine in each particular case whether the extent and character of the applicant's practice during the period has been such as to be equal as evidence of his qualifications to the possession of a diploma.

"Section 7 reads, 'All persons shall be said to be practicing dentistry within the meaning of this Act, who shall for a fee, or salary, or other reward paid either to himself or to another person for operations, or parts of operations of any kind, treat diseases or lesions of the human teeth or jaws, or correct malpositions thereof. But nothing in this Act contained shall be taken to apply to acts of *bona fide* students of dentistry, done in the pursuit of clinical advantages under the direct supervision of a preceptor or a licensed dentist in this State, during the period of their enrollment in a dental college and attendance upon a regular, uninterrupted course in such college.'

"It is claimed that this shows the law to be an arbitrary measure for the benefit of dentists, by giving them a mo-

nopoly to practice a branch of surgery which has heretofore been largely carried on by regular physicians and surgeons.

"It was proper, in order to give precision to the law, to define what was meant by practicing dentistry. It is not, however, to be supposed the Legislature intended to enlarge the sphere of the profession. There may be diseases of hurts to and operations upon the jaws that are within the legitimate profession both of the general surgeon and of the dentist. We do not know how this is. But if it be so, the licensed surgeon would be protected by his license in treating such. The Act before us could hardly be so construed as to limit the right of the surgeon under his license.

"It is claimed also that it discriminates between students of dentistry, by allowing them to operate upon the teeth and jaws during the period of their enrollment in a dental college and attendance upon a regular uninterrupted course in such college, and excluding others. The purpose of this provision of the law is apparent. It is to permit to actual *bona fide* students the benefit of practical work under an instructor. But to prevent evasions of the law by persons practicing the profession under the pretense of being students, the Act very properly defines who shall be regarded as students within the clause allowing them to perform operations or parts of operations. It is open to every student to bring himself within the definition.

"The interpretation of the clause under consideration, upon which appellant argues that it was intended to prefer schools of dentistry within the State as against those out of it, is too narrow. We see no reason why a student in such a school, in another State, may not during vacation pursue his studies here under a licensed dentist and be within the meaning of the clause. By 'regular, uninterrupted course' the Act does not mean a course in which there are no vacations, such as all schools have. To hold that it does would lead to this unreasonable result: that the student even in a school in this State might during the term have the benefit of practice in operations under a licensed dentist, but would have to suspend as soon as the term should close.

"The provisions and requirements of the law are undoubtedly rigorous. They ought to be in any law aiming to protect the public against ignorance and incompetency in so important a profession as the medical profession in any of its branches. We see nothing in the provisions of this law that was not clearly inserted by the Legislature in good faith, to effect the end in view. The law is valid. Judgment affirmed."—Dental Cosmos.

In the case of George Wilkins *v.* The State of Indiana, the Supreme Court of that State, on March 2nd, 1888, rendered its decision, affirming the court below and sustaining the constitutionality of the Act regulating the practice of dentistry.

The plaintiff in error, we are informed by Dr. Chappell, Secretary of the Indiana State Board of Dental Examiners, began practice at Marion in December, 1886, and was indicted in the Grant Circuit Court for failing to register, under the law which went into effect August 1st, 1887. On the trial, he pleaded the possession of a diploma from the Delavan College (the Board of Examiners had refused to accept diplomas from that institution), and attacked the constitutionality of the law. The Circuit Judge sustained the law, from which decision Wilkins appealed.

In the Supreme Court, the opinion of the full bench was pronounced by Justice Byron K. Elliott, as follows:

"The indictment upon which is founded the judgment from which this appeal is prosecuted, charges that the appellant did practice the profession of dentistry without having obtained a certificate from the Board of Examiners established under the Act of March 7th, 1887.

"There is entire harmony in the adjudged cases upon the question of the power of the Legislature to enact laws prescribing what qualifications a person shall possess, who enters upon the practice of a profession requiring professional skill and learning. From the earliest years of the common law, men who engaged in the practice of the professions of law and medicine were required to possess skill and learning, and to obtain evidence of their qualification from the sources designated by law. A long and unwavering line of cases, extend-

ing from those early years of the law to the present, sustain this doctrine. (Eastman *v.* State, 109; Ind., 278, and cases cited; Orr *v.* Meek, 111 Ind., 40; The State *ex rel. v.* Green, 14 N. E. Rep., 352.)

"This firmly-settled doctrine is thus well stated in a late work: 'Where the successful prosecution of a calling requires a certain amount of technical knowledge and professional skill, and the lack of them in the practitioner will result in material damage to one who employs him, it is a legitimate exercise of the police power to prohibit any one from engaging in the calling, who has not previously been examined by the lawfully constituted authority, and received a certificate in testimony of his qualification to practice the profession. The right of the State to exercise this control over the skilled trades and learned professions, with the single exception in respect to teachers and expounders of religion, has never been seriously questioned.' (Tredman, on Limitations of Police Power, p. 200, Section 87.) In even stronger language, Judge Cooley affirms this general principle. (Cooley, on Torts, 289.) This principle extends to many trades and professions, as pilots, engineers, and the like. (Tredman, on Limitation of Police Power, 624; Cooley, Const. Lim., 743.) The legislative judgment, that the welfare of the public requires that those practicing the dental profession shall possess the necessary skill and learning, and shall obtain a certificate, is probably conclusive. But, if it were not, the court must take judicial knowledge that it is a profession requiring skill. The fact that the dentist employs his professional skill upon an important part of the human body, is of course known to every one, and cannot be unknown to the courts. As this is known, it must follow that it may also be judicially known that one unskilled in the profession may injure the person who employs him. As this is so, then, as we have seen, the Legislature may prescribe the qualifications of those permitted to practice the profession.

"The Board of Examiners, established under the law, is the lawfully constituted authority, and from it the certificate required by law must be obtained. The Legislature, as the

law making power, has authority to prescribe the method of procedure. Its authority does not end with declaring what qualifications he who enters upon the practice of that profession shall possess. As it has plenary power over the whole subject, it alone must be the judge of what is wise and expedient, both as to the qualifications required, and as to the method of ascertaining these qualifications. The courts cannot exercise any supervisory power over the Legislature as long as is keeps within the limits of the Constitution. (Fry *v.* State, 63 Ind., 532; Eastman *v.* State, supra; Cooley, Const. Lim., 202–206.)

"It is an established law that an Act of the Legislature cannot be annulled by the judiciary in any respect, unless it clearly contravenes some provision of the constitution. Doubt must be resolved in favor of the validity of the statute. Since the doctrine was announced by Chief Justice Marshall, early in the history of our country, it has been inflexibly adhered to by all the courts. (Cooley, Const. Lim., 5th ed., 218; Beauchamp *v.* The State, 6 Blackf. 299; Pittsburg, etc., Co. *v.* Brown, 67 Ind., 49; Hedderich *v.* State, 101 Ind., 564; Robinson *v.* Schenck, 102 Ind., 307–319.)

"As the Legislature has exclusive power over the entire subject, it is our duty to uphold the statute as it comes to us from the Legislature with the executive sanction. We cannot annul any part of the statute, unless it clearly violates some provision of the Constitution. We have given full consideration to the appellant's argument, but we are unable to perceive that it even proves that it is probable that some provision of the Constitution has been violated: much less does it prove that it has been violated beyond doubt.

"It is contended that the Act is unconstitutional, because it authorizes the Indiana Dental Association to appoint three members of the Board of Examiners. The argument is that the Dental Association is a corporation, and that the Act, in authorizing it to appoint, enlarges its corporate powers, and, therefore, violates the Constitution by enlarging the powers of a corporation by a special Act. In more particulars than one, this argument is unsound. It rests on an undue assump-

tion. Authorizing a corporation to select persons to perform a duty in which the public is interested, is, in no just sense, the enlargement of corporative powers. The designation of the corporation as the selecting body is not the grant of corporate powers. This is very clear to our minds. Clearly, the Legislature might repeal the Act at pleasure, and this of itself proves that no corporate right is granted, for, if there was such a grant, there could be no valid repeal. It is quite as clear that a statute, artificial or natural, which directs a person to perform a particular act, is not, for that reason, transformed from a general into a special statute. But granting (and the concession can only be made for the argument's sake) that the authority to appoint members of the Board of Examiners is a corporate act, still the concession would, by no means, lead to the conclusion that the statute infringes upon the Constitution. The provision, which it is asserted the Act violates, is this: 'Corporations, other than banking, shall not be created by special Act, but may be formed under general laws.' It cannot, with the faintest tinge of justice, be affirmed that the simple delegation of authority to appoint three men to perform duties affecting the public, is the creation of a new corporation. Changes of infinitely more importance have been held not to create a new corporation. (Wallace *v.* Loomis, 97 U. S., 146; Atty.-Gen. *v.* The North Am., etc., Co., 82 N. Y., 172; South *v.* Pacific R. R. Co., 6 Sawyer, 157.)

"The general rule is thus stated by a late writer: "A special Act of the Legislature regulating an existing corporation, or granting to it new privileges, without altering its charter or affecting its charter contract, would not be in violation of the letter, or of the spirit of the Constitutional prohibition." (Moranetz, on Corp., sec. 12.) The case of the Corporation of Bluffton *v.* Wiley, 111 Ind., declares a similar doctrine. But it is really not necessary to inquire how far a corporate grant may extend without violating the Constitution, for we are well satisfied that the delegation of the naked power to name three members of the board is not a grant of corporate power.

"The objection that the Act invests the Board of Examiners with judicial functions, is fully answered by the cases of Elmore *v.* Overton, 104 Ind., 548; Eastman *v.* State, supra, and the cases there cited. If the appellant were correct in his assumption, then every School Examiner, who examines an applicant for license; every Clerk, who accepts and acts upon affidavit; every Auditor, who accepts an abstract of title when he loans school funds, and every officer who approves a report, would exercise judicial functions. That they do, in some degree, act judicially, is true, and so does every officer, from the Governor to Constable, who is invested with discretionary powers; for the Governor, when he issues a requisition for a fugitive from justice, decides many things, and the Constable, when he executes a writ or a warrant, exercises a discretion, but no one of these officers exercises judicial judgment in the sense that a court or judge does. These officers, one and all, are ministerial officers, and not judges or courts; and the judicial functions meant by the Constitution are such only as courts or judges exercise. A judicial duty, within the meaning of the Constitution, is such a duty as legitimately pertains to an officer in the department designated by the Constitution as the judicial. By this designation is meant the judiciary in the true sense of the term.

"This case falls within the class of cases represented by Maynes *v.* Moore, 16 Ind., 116; Flournoy *v.* City, 17 Ind., 169; Pennington *v.* Streight, 54 Ind., 316; State *v.* Johnson, 105 Ind., 463–467; Weaver *v.* Templen, 14 N. E. Rep., 600; Betts *v.* Dixon, 3 Conn., 107; Crane *v.* Camp, 12 Conn., 463. In Flournoy *v.* City, supra, the court said: "An act is none the less ministerial because the person performing under it may have to satisfy himself that a state of facts exists, under which it is his right and duty to perform the act." It is a mistake, therefore, to assume that the statute must conform to all the requirements as to notice and like incidents, that would be necessary if the Act were judicial. We cannot, therefore, hold the Act unconstitutional, because it does not make such provisions as would be necessary if the examiners constituted a judicial tribunal. We suppose a successful de-

fense might be made by a person who had, in good faith, sought an opportunity to obtain a license, and failed, through the fault of the examiners, to meet at the time appointed; but one who has had notice, and failed to avail himself of the opportunity, as was the case here, cannot successfully defend. The time and place of meeting of the board are to be fixed by the persons whom the law has vested with authority, and one who desires a license, must at least make reasonable inquiry; for a public law gives him notice, nor is an applicant delayed until the meeting of the Board of Examiners, for Section 7 of the Act expressly provides that, 'any member of the board may grant a permit to any person who shall file with the member his application therefor.' There is, therefore, no denial of an opportunity to acquire a permit, or any delay required, for a permit may be had at any time upon application. The way, therefore, is always open, and no one need to be in doubt what course to pursue. One who has a way always open to him, by which he can attain what is required to protect him, has himself to censure, if he does not use diligence to avail himself of the opportunity afforded him. If the permit is obtained under Section 7, then notice is necessarily imparted; but where the party must himself take the initiatory step, he cannot insist that notice be given him before prosecution.

"If it were conceded that counsel were right in asserting that Section 11, which provides the method in which compensation of members of the Board of Examiners shall be fixed, is unconstitutional, it would not avail the appellant, for, if all that part of the statute were annulled, there would still be a complete law fully prescribing rules and adequately defining the offense charged. It is perfectly well settled that a part of a statute may be declared invalid, and if enough remains to constitute a complete statute, that which remains may be enforced. If, therefore, all that part of the statute which relates to the compensation of members of the Board of Examiners should be rejected, the appellant would derive no benefit, for the valid part of the statute fully prescribes the duties of those who assume to practice dentistry, and

fully defines and creates the offense described in the indictment.

"Arguments that might perhaps not be without weight if addressed to the Legislature, are adduced by counsel, but, as these arguments all bear upon questions of pure legislative policy, they can have no weight with the courts. All that the courts can do, even though they may be impressed with the need of amendments, is to test the statute by the Constitution, and, if it sustains that test, they must uphold it as it is written.

"It is urged that the state did not prove that the Indiana Dental Association was duly incorporated, and that for this reason there should have been an acquittal. This position is untenable. It is so, because it is immaterial whether the association was incorporated or was not, for the Legislature might have authorized an unincorporated association, as well as an incorporated one, to select three members of the Board of Examiners. It is so, because granting that only a corporation could be authorized to appoint, the corporate existence cannot be questioned in a collateral proceeding. It is so, because the Legislature has recognized the existence of the association, and this creates the presumption, if indeed it does not do much more, that it had a legal existence.

Finding no error in the record, we affirm the judgment."

THE STATE OF INDIANA, }
SUPREME COURT. }

I, WILLIAM T. NOBLE, Clerk of the Supreme Court of the State of Indiana, certify the above and foregoing to be a true and complete copy of the opinion of said court in the above entitled cause.

In witness thereof, I hereto set my hand and affix the seal of said court, at the city of Indianapolis this seventh day of March, 1888.

WM. T. NOBLE, *C. S. C.*

[SEAL]

—Dental Cosmos.

Again, the Supreme Court of Kansas has given a decision sustaining the validity of the dental law of that state. Dr. E. H. Creditor was practicing dentistry in another state, and came to Kansas after the dental law went into operation. He was promptly informed by the State Board that he was ineligible to practice, not having a diploma. He denied the validity of the law, and continued practice. The matter was brought before the lower court, which decided that the law was valid and in force. Dr. Creditor appealed, and the Supreme Court unanimously affirmed the validity of the Kansas law.

These three decisions of the Supreme Court would seem to uphold the constitutionality of these statutes; but on the other hand, the reverse decision has been rendered by the Supreme Court of New Hampshire, on July 26th, 1889, *viz.:* In the cases of a physician and dentist indicted for practicing medicine and dentistry without a license, the Supreme Court of New Hampshire quashed the indictments and declared the law requiring a license for the practice of medicine and dentistry unconstitutional.

There is no question but that this decision, contrary to the decisions of the Supreme Courts of other states, is unjust and illegal, and inconsistent with the objects of the Constitution of the United States. If the cases are appealed to the United States Supreme or Circuit Courts, I firmly believe the decision will be reversed.

In the various states, if not generally, the practice of dentistry is prohibited without a diploma, or a license from the "State Board of Dental Examiners."

Penalties are usually imposed by the statutes for a violation of the enactments regulating the practice of dentistry, and the statutes provide that the offender, for their violation, may be fined, imprisoned, or both.

In Pennsylvania, any one convicted of illegally practicing dentistry is guilty of a misdemeanor, and is punishable by a fine of not less than fifty, nor more than two hundred dollars. In the State of New Jersey, the penalty for unlawfully practicing dentistry is three hundred dollars, upon conviction.

In New York, the penalty is a fine of from fifty to two hundred dollars. The Colorado law imposes a fine of not less than one hundred, nor more than five hundred dollars, or imprisonment of from one to ninety days.

Where the defendant was charged with practicing without a diploma, the production of a diploma by the defendant would be a *prima facie* evidence of his right to it. (Raynor *v.* State, 62 Wis., 289; Wendel *v.* State, 62 Wis., 300; Holmes *v.* Halde, 74 Me., 28.)

Formerly, in some of the states, notably New Jersey and Pennsylvania, it was almost impossible to convict a person for the illegal practice of dentistry, on account of the jury system in vogue, the jury usually being composed of men who lacked the brains to comprehend the case, and judgment necessary to give a just decision. Clear and conclusive evidence has in a number of cases been produced by the prosecutor, proving that the defendant violated the law, and the judge has charged the jury strongly against the offenders, still the juries have acquitted the men simply through a feeling of sympathy.

The case of Johannas Van Elderen *v.* State, in New Jersey, in 1883, furnishes a notable example of these unjust decisions. Another case in Nebraska is, as follows:

In July last, Geo. W. Schwartz was indicted for practicing dentistry in Nebraska City, Nebraska, in violation of the State law. The committee of the State Dental Society did not commence the case, but, finding it had been commenced, took charge of the prosecution. The case came to trial September 28th, the defense being that Schwartz was a graduate of medicine, and qualified by his diploma to practice dentistry. The court, however, held, "that a physician's diploma did not authorize him to practice dentistry or dental surgery." The defense further offered to prove that the defendant was a skilled workman in dentistry, that he operated in a manner that gave satisfaction to his patients, and that he did good work as a dentist. All of which was ruled out by the court.

In spite of the fact that the rulings of the court ex-

cluded every particle of defense offered by the defendant, and that the instructions of the court were against the defendant, the jury, after being out eighteen hours, returned a verdict of not guilty. What the court thought of the verdict is shown by the unmerciful scoring Judge Field gave the jury in discharging them at the close of term. Among other things, he said: "Gentlemen, I cannot refrain from saying something at this time. There have been four criminal cases of importance before this court during the term. The first was that of the dentist Schwartz, who admitted a violation of the law; yet the jury acquitted him," etc.

The majority of the statutes have been amended and made more stringent, hence they are less frequently violated than formerly, and a conviction can be more easily obtained.

§ 42. PATENT RIGHTS.

A.—THE JURISPRUDENCE OF DENTAL PATENTS.

The subject of the jurisprudence of patents of the healing arts, is peculiar and applicable alone to dentistry, which is the only profession that from necessity must harbor and submit to a system of "patent-methods."

Jurisprudence, in reference to dental patents, comprehends the interpretation of the principles and practices of the law as applied to such classes of patents; hence its limitations, on the one hand, are the legal rights and privileges granted the inventors in the "claims" allowed in the patents issued to them; and, on the other hand, the requirements of the law respecting the observance of their legal protection and non-infringement.

In the consideration of this subject, only such patents that have been granted for dental operations, methods and processes of operating, will be reviewed; and patents on dental instruments, appliances, apparatus, etc., must necessarily be ignored as not properly belonging to the subject.

It is not the intention of the author to enter into a tirade against these patented dental operation methods, illiberal patent methods, and of the abuses that have manifestly resulted in the legal inability of the dental practitioner to perform certain operations, but to give a distinct legal interpretation of these patents and define other legal points pertaining thereto.*

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* It is the intention of the "Central Dental Association of Northern New Jersey," with the co-operation of many of the leading dental societies throughout the United States, to petition Congress to pass an enactment prohibiting, in future, the granting or issue of letters patent for any invention or discovery, or any improvement thereof, or any method or process in operative dentistry, and providing some expeditious method by which such patent hereafter inadvertently granted, may, by the decree of some competent court, be annulled and cancelled. The Act annexed hereto is the proposed enactment:

B.—LEGAL DEFINITION AND CLASSIFICATION OF DENTAL OPERATIONS.

Legally, an operation in dentistry would be considered as the performance of some manual act, in a methodical manner, upon the human teeth, surrounding tissues and bones, usually with instruments, with the view of restoring them to a sound or healthy condition; and the adaptation of substitutes for them, when, by age, accident, or disease, they are lost.

For convenience and practical reasons, operations in dentistry can be divided and classified into: first, SURGICAL dental; second, SURGICAL-MECHANICAL dental; third, MECHANICAL dental.

A SURGICAL dental operation would be interpreted as a cutting or some similar operation performed upon the teeth,

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AN ACT TO PROHIBIT THE GRANTING AND ISSUE OF LETTERS PATENT, IN CERTAIN CASES.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, 1. That from and after the passage of this Act, letters patent shall not be granted or issued to, nor obtained by any person, for any invention or discovery, or improvement thereof, of any method or process of repairing or restoring the human teeth, or the functions thereof, filling cavities therein, destroying the pulp or nerves thereof, reducing inflammation in the human mouth or teeth, giving to any person under treatment, or applying locally to any part to be treated or operated upon, any drug, gas or substance, in aid of any surgical or dental operation, or for the purpose of alleviating the suffering caused by such operation or treatment, inserting in the mouth, or applying or fixing to the teeth, any dentures or other artificial appliances intended to replace, renew, or restore lost, decayed, and defective teeth, or of any method or process of surgical or dental treatment of or operation upon the human mouth or teeth, for any disease, decay or defect whatsoever, or of any new or improved method or process whatsoever, in operative dentistry, and every such letters patent hereafter granted, or issued to or obtained by any person, shall be absolutely void and of no effect.

2. That the Circuit Courts of the United States are hereby given jurisdiction and power to decree the annulment and cancellation of any letters patent granted, issued or obtained in violation of this Act, upon suit brought in equity by any person against the owner or owners thereof. Such suit may be instituted in any district in which the owner, or one or more of the owners reside, and in case any one of several owners be served with process, decree of annulment and cancellation may be made against all of the owners, in the same manner as if they had all been served with process.

3. This Act shall take effect immediately.

their roots, or the bones and tissues surrounding them, *with the view of restoring them to a sound or healthy condition.* The extraction of the teeth, the burring or cutting of diseased portions of a tooth, the removal of the pulp, the cutting or shaping of the end of a tooth-root, previous to adapting an artificial crown to it—can all be classified as surgical dental operations.

A SURGICAL-MECHANICAL dental operation is distinctly an operation dependent upon a surgical dental operation, in combination with mechanical means or devices to *restore artificially the lost parts operated upon, and thus renew their natural functions.* In this classification, such operations as the filling of the teeth by all methods and materials, the filling of their roots, insertion of crowns, crown-bridges, artificial dentures, cleft-palate operations, and the regulation of the teeth, can be included.

A MECHANICAL dental operation is construed to mean, *the construction and process of constructing out of the mouth the mechanical means and devices* necessary and intended to restore the lost natural function of the part operated upon. In this class, we have such operations as the methods and processes of making crowns, bridge operations, artificial dentures, etc.; substantially they are process-patents.

C.—PATENTS GRANTED FOR DENTAL OPERATIONS.

In the first class, surgical dental operations, several patents have been granted, as follows:

A patent, No. 277,935, was issued May 22nd, 1883, to Cassius M. Richmond, of New York, N. Y., in which the following claim was allowed:

The process of treating teeth to remove the nerves, the same consisting in isolating the tooth to be treated (presumably by a rubber dam), and then subjecting the latter to the action of a jet of volatile liquid until the nerve in the same is benumbed.

Again, a patent, No. 277,943, was granted on the same date to Cassius M. Richmond:

First. For the process of preparing roots for the reception of artificial dentures, which consists in grooving, with opposite grooves, on the lingual and palatine surfaces, and removing (snapping off) the crown by a suitable forceps.

Second. For the process of preparing a root for the reception of an artificial tooth-denture, which consists in removing the crown from the root by a suitable contrivance, and then immediately expelling the nerve from its cavity, by driving a suitably shaped piece of wood into the nerve cavity.

Third. For the process of treating and preparing the roots of teeth, the same consisting in expelling the nerve from its cavity, and then instantly filling the nerve cavity with a wooden peg.

Fourth. For the process of preparing a root for the reception of an artificial denture, which consists in removing the crown, and then driving into the nerve cavity a suitably shaped piece of wood, in removing the same, and cleansing the nerve cavity, and in immediately plugging or filling the upper part of the nerve cavity, by driving in another piece of wood.

This patent, No. 277,943, was declared invalid in the case of International Tooth-Crown Co. *v.* Richmond *et al* (30 Fed. Rep., 785, United States Circuit Court, Southern District New York.) On an appeal, the United States Supreme Court sustained the action of the Circuit Court declaring this patent invalid.

A patent was issued to E. A. Bigelow, Brandon, Vt., March 8th, 1827, for a method of engrafting teeth. (Patent expired.)

A patent was granted to Thomas Bruff, Maryland, July 1st, 1797, for extracting teeth. (Patent expired.)

A patent was granted to H. H. Hayden, Baltimore, Md., October 4th, 1817, for means of preventing decay of teeth. (Patent expired.)

Patent, No. 22,851, was issued to W. G. A. Bonwill, February 8th, 1859. The claim was for the application of electricity to dental purposes, the described method consisting of extracting or extirpating the dental pulp or internal nerve of teeth, to wit: by the application of a current of electricity,

through the instruments made use of in the performance of said operation, and constantly to the dental pulp or internal nerve, during the operation of cutting out or extracting the same. (Patent expired.)

Methods of Filling and Restoring Decayed Teeth.

In the second class—surgical mechanical operations—the following patents were issued:

Patent, No. 404,745, granted to Elbert C. Taylor, June 4th, 1889, for a method of filling teeth, which consists in cleaning the cavity, electro-plating the walls thereof, then inserting a plug in the cavity, and subsequently filling up the space between the walls of the cavity and the plug, and the remainder of the cavity, by electro-deposition.

Remark:—The methods described in this patent right are entirely novel, and hence its validity is unquestionable.

Patent, No. 386,692, granted to Wm. A. Dartt, January 24th, 1888, for a process of filling decayed teeth, which consists in first filling the cavity of decay with soft material, as wax, and restoring the original form of a tooth out of the same material; next, taking an impression of this restored tooth with plaster-of-Paris, and casting a zinc die therefrom in shape like said tooth; then, placing a piece of gold or other swagable metal plate on the zinc die, at a point corresponding to the location of the cavity in the natural tooth; then, placing a piece of soft metal, such as sheet lead, over the last named metallic plate, and, pounding it down into the die, removing this plate, which is shaped like the tooth at that point, the inner side is coated with wax, and the plate is pressed against the natural tooth at the corresponding point, removing the surplus wax and metal, and affixing pins in the inside of said plate; next, cleaning the cavity in the natural tooth of the first named soft material, and filling it with a suitable plastic material, like cement or gutta-percha, and pressing the pins secured to the plate into said plastic material, while the latter is still soft, and keeping the plate in position till said material hardens around the pins.

Remark:—This is substantially a process-patent, in which each element or step in the operation is necessary to sustain its validity. The result attained is practically the same as described in patent, No. 179,945. In the latter patent, the claim is for the *result*, whereas in the patent under discussion, the claim allows for the *method* of obtaining the result.

Patent, No. 402,252, granted to Albert Robinson, April 30th, 1889, for a process of filling teeth, by first making a mould by swaging metal foil into the cavity; filling said mould with molten gold or other metal; grooving the bottom of the filling thus prepared, and fastening said filling into said cavity by means of cement inserted in said grooves.

Remark:—This patent is novel to the extent of the substitution of gold or some other metal for a plastic substance in filling the matrix or mould to form the tooth-plug. In patent, No. 375,167, the claim granted is similar, aside from the above noted substitution of materials, which would invalidate the patent, but the dissimilar methods employed in securing the plug in the cavity sustain each patent.

For methods of restoring lost portions of a natural tooth-crown, several patents have been issued, as follows:

A patent, No. 403,597, issued to Charles H. Land, May 21st, 1889, for a process of restoring a lost portion of a tooth, by forming a crown or partial crown to conform to the lost portion of the tooth. The claims granted allow, first, to secure an anchoring post in the crown (natural); then, fitting a thin plate (platinum) on this post and burnishing it to the adjacent tooth-parts to form a mould—the exact shape of the lost portion of the tooth.

A tube is fitted over the anchoring post and fastened to the metal mould. A porcelain facing with pins is then adjusted to form the portion of the tooth restored. Plastic porcelain paste is moulded as an intermediate body between the facing and the metal mould, and the said body is fused with the matrix or base and the facing, making one whole piece, with the tube in the centre. This piece is slipped over the anchoring post of the tube in the body engaging it, and it

can be secured permanently on the post by means of a cement. (The tube is not a necessity according to the second claim of this patent.)

Remark:—This is a "combination" patent, in which each element of the claim is necessary to sustain the validity of the patent, which can be avoided by taking away one element and substituting another. Thus, if the anchoring post and tube are omitted, and, instead, using a band to encircle the tooth soldered to the metal mould, the patent is overcome. Again, if the tube is split and tapered, and anchored in the natural tooth, while the post is baked in the porcelain portion, the method is reversed, and more security is obtained by means of the split tube chucking the post when inserted in position.

Patent, No. 405,167, to Charles H. Land, Detroit, Michigan, granted June 11th, 1889. This patent allows a process for restoring decayed teeth, by imbedding an anchoring nut in the filling material (either amalgam, gold, cement, etc.) with the tooth-cavity, and fastening thereon a tooth-crown, or portion of a crown, by means of a screw uniting the tooth-crown, or section, with the nut. The patent also allows a fluid-tight protecting coat, gutta-percha or cement over the filling material, before screwing on the tooth-section, thus making a fluid-tight joint.

Remark:—This patent seems valid as it does not interfere with any previously known methods, nor infringe existing patents. However, the second claim, respecting the fluid-tight covering of gutta-percha to be placed over the filling material, probably infringes the Sheffield patent, dated November 16th, 1886, and methods previously used.

Patent, No. 432,737, to Charles H. Land, July 22nd, 1890, for a process of restoring defective teeth by means of an artificial tooth-section, which has a porous or biscuited surface, having a metallic surface applied, in solution, upon the said surface and fused thereto; this metallic surface constituting a means of attaching the said section to the base or natural tooth by means of amalgam, which unites with the metallic biscuited surface.

The patent also grants the right of securing an impression of the surface of the tooth-portion, to be restored by means of a thin sheet of metal fitted upon the surface to form a matrix or mould; secondly, causing the tooth-section to conform to said mould and hardening said section; and thirdly, uniting said section to the tooth by means of amalgam.

Remark:—The methods granted in this patent right were presumably novel at the time the patent was granted; hence the patent is valid, and no doubt would be sustained as such in court decisions if its validity were questioned.

Patent, No. 400,921, granted to Charles H. Land, April 9th, 1890, for a means of adjusting a partial or whole crown.

The whole combinations or claims of this patent grant the right for a porcelain section or tooth to be attached to a natural tooth, or the root of the tooth, by means of a threaded or non-threaded pin with a porcelain head; also, an intervening protecting substance between the tooth-section and the natural tooth may consist of thin metal burnished to conform to the natural tooth, or cement, or other intervening substances.

Remark:—This patent is valid, as no interferences can be presented.

Patent, No. 454,566, granted to Charles H. Land, June 23d, 1891.

Claims:—First. The process of making a mould by swaging metal foil into a cavity, and then filling said mould with molten gold or other metal.

Second. For fastening said metal section in place in the tooth by means of amalgam.

Third. For the process of restoring a decayed tooth by first building up a foundation upon the surface of the lost portion of the tooth by means of amalgam, then burnishing upon said foundation thin metal to form a matrix, then fashioning a section by means of said matrix and fastening said section to the tooth.

Remark:—The first and second claims granted in the above patent right are similar to the claim issued to Albert Robinson, patent, No. 402,252, and if this latter patent is

valid, the first claim, above referred to in the Land patent, must be declared void. The third claim is a combination which produces essentially a different result, and hence is valid.

Patent, No. 375,167, granted to Charles H. Land, December 20th, 1887.

First. For a process of restoring decayed teeth, consisting of partially filling the cavity to cover an exposed pulp as a protection, and of securing the impression of a cavity in a decayed tooth by means of a thin plate of metal to form a matrix.

Second. To provide said matrix with engaging pins, hooks or countersinks.

Third. To mould into said matrix a plastic substance, to form a section or plug.

Fourth. Engaging said section or plug upon a matrix.

Fifth. Securing said matrix, with its adherent section or plug, into the cavity of the natural tooth, etc.

Remark:—There is no evidence of interference with previous patents, that will invalidate the above patent right.

Devices for Retaining Fillings in Teeth, and Metal Cap Coverings for Fillings.

Patent, No. 143,418, to Edmund Osmond, October 7th, 1873. A small gold screw, which is inserted in the bottom of a prepared cavity in a tooth, is provided with split upper ends, which, when the filling has been packed around, are turned down over it, to receive and secure the filling more firmly.

Patent, No. 179,945, granted to R. Noble, July 18th, 1876. A metal cap having pins is forced into the filling, while soft, as a covering.

Patent, No. 135,710, issued to H. Weston, December 26th, 1876. The cap is struck-up sheet metal, and a small rectangular piece is cut from its centre and turned up to form a handle, leaving an opening in the cap, which is closed after the cap is placed in position.

Remark:—The validity of the above patents would be sustained if tested in court, as no interferences could be shown.

Method of Fastening Tooth-Crowns in the Prepared Roots.

Patent, No. 238,748, November 16th, 1886, issued to Lucius T. Sheffield. The claim is for the combination of the prepared roots and an artificial denture adapted thereto; a crystallizing cement is applied in the root-canal to secure the denture; a water-proof cement, consisting of a solution of gutta-percha, is interposed between the denture and the crystallized cement. This is substantially a method for setting a crown, whereby a film of gutta-percha is interposed between the crown and the cement in the tooth-root.

Remark:—This method is merely a deviation from the usual modes employed in similar operations.

Permanent Bridge-Dentures.

Patent, No. 352,784, to Lucius T. Sheffield, granted November 16th, 1886.

Abstract of Claims:—In the manufacture of artificial denture, preparing the roots and applying the supporting teeth in position thereon; applying metallic crowns to the supporting natural teeth; then, taking an impression of the mouth, and removing the crowns and supporting teeth therewith; then, connecting the opposite sides of the structure by a supplemental brace, connecting the crowns and supporting teeth by the usual method; and then, securing the intermediate artificial teeth between the supporting teeth and crowns, and removing the exposed portions of the brace, substantially as described.

Remark:—The method of using a supplemental brace, connecting the opposite sides of the bridge-denture, is the element of novelty in its construction.

Patent, No. 238,940, granted to James E. Low, March 15th, 1881.

Brief:—The artificial tooth is held by bands rigidly and permanently securing it to natural teeth upon either side. The artificial tooth requires no dental plate, and does not, as usual, rest and press upon the gum beneath.

Claims:—First. The herein described method of inserting and supporting artificial teeth, which consists in attaching said artificial teeth to continuous bands fitted and cemented to the adjoining permanent teeth, whereby said artificial teeth are supported by said permanent teeth, without dependencies upon the gum below.

Second. An artificial tooth cut away at the back, so as not to present any contact with the gum, except along its front lower edge, and supported by rigid attachments to one or more adjoining permanent teeth, substantially as and for the purpose set forth.

Remark:—The validity of this patent was sustained in the case of International Tooth-Crown Co. *v.* Richmond *et al.* (30 Fed. Rep., 775.)

Patent, No. 313,434, to James E. Low, granted March 3d, 1885.

Claims:—First. In combination with a natural tooth, or teeth, a denture provided with a band, or bands, permanently connected to said natural tooth or teeth, and having a narrow bearing surface fitted to rest upon the hard ridge of the jaw, whereby said denture is supported both by its bearing upon the said ridge and by its attachment to the natural tooth or teeth, substantially as described.

Second. In combination with the permanently secured denture having its lower surface contracted to oppose the ridge of the jaw, the metallic plate fitted accurately to the jaw-surface and secured to the denture and to the band or bands by which the denture is permanently held in place, substantially as described.

Remark:—This patent was granted as an improvement upon the bridge-denture patent, issued to James Low, March 15th, 1881. As the previous patent (No. 238,940) was declared valid in the case of International Tooth-Crown Co. *v.* Richmond, this improvement, consisting of the claims

granted in that patent, in combination with the bearing surface (plate) resting upon the hard ridge of the jaw, also carries validity.

Patent, No. 336,230, Charles P. Grout, February 16th, 1886.

Claims:—First. The combination of two metal tooth-crowns, adapted to be secured to two tooth-stumps, and a detachable connection between the crowns, to provide for separately placing them on and removing them from their roots or stumps.

Second. The combination, with a dental bridge and a tooth-crown at one end thereof, both forming one integral structure of another tooth-crown, upon which the other or free end of the bridge is supported, and capable of self-adjustment as the bridge expands or contracts.

Patent, No. 318,579, issued to Lucius T. Sheffield, May 26th, 1885.

The following is an abstract of the claims granted:—In the method of manufacturing artificial dentures, fitting the supporting tooth-crowns to the roots and teeth in the mouth; preparing a cast thereof; making a mould from the said cast representing the jaw; preparing a trial-plate of wax; fitting the said mould; mounting thereupon the artificial teeth which are to form the bridge; adjusting said artificial teeth upon said trial-plate, by placing the said trial-plate in the mouth fitted with the supporting teeth, thereby securing a proper articulation, and then investing the said bridge-teeth and the said supporting teeth, together with the trial-plate in the mouth, and removing them together; removing the wax, additionally investing the teeth sufficient to keep them in their relative positions, and then soldering the denture together, making a completed whole.

Remark:—This patent rests upon a combination of the methods used by dentists in a similar class of mechanical operations.

Being a combination of these methods, the inventor can claim novelty and the right to a patent. However, the

methods can be varied by substitution of other elements, without infringement.

Patent, No. 318,581, granted May 26th, 1885, to W. S. Sheffield, for a support for artificial dentures.

Claim:—Improvement in the manufacture of artificial dentures, the same consisting in connecting metallic crowns adapted to the teeth, by a bar extending over the alveolar ridge; attaching the said bar to a plate adapted to rest upon a portion of said ridge, and mounting the artificial teeth upon said bar, etc.

Remark:—The validity of this patent is questionable.

Patent, No. 319,238, granted to Chas. P. Grout, June 2nd, 1885. Abstract of claims:

The method of obtaining a metal *fac-simile* of natural tooth-roots, or stumps on which to fit metallic tooth-crowns, consisting in trimming or shaping the ends of natural roots or stumps to the desired form, and forming in them pin-holes or sockets; then, applying soft metal tubes to the roots or stumps, and pressing them down below the free margin of the gum; in inserting pins in the holes or sockets; then, taking a plaster impression of the natural roots or stumps, and the soft metal tubes and pins from the mouth, and in finally casting from this impression, with its tubes and pins, a metallic *fac-simile* having projections in which are holes or sockets, and which correspond in form to the natural roots and stumps, etc.

Remark:—The novelty in this patented method consists in the adaptation of the soft metal tubes to the root-ends to form a mould. In former crown-methods, a gold band was fitted to the root, with the pin in position in the socket. A plaster or wax impression of the root was then taken; a model, usually plaster, was made from the same, with the pin and band in position, and the tooth was fitted upon the said model.

Patent, No. 446,769, granted to Joseph W. Clowes (New York City), February 17th, 1891.

Claims:—First. An improvement in dentistry, which consists in combining with the teeth suitable plastic fillings,

which are extended between the teeth and are moulded upon the gum.

Second. The combination with connected plastic fillings inserted in two or more teeth of a strengthening bar inserted in the teeth, and inclosed in the plastic filling.

Third. The combination with fillings inserted in cavities in adjacent teeth of a connective body of plastic material, formed integrally with the filling moulded upon the gums, and carved in imitation of teeth.

Remark:—This method of bridging teeth has little novelty to sustain the patent. A strengthening bar inserted in the cavity of natural teeth and inclosed in the artificial tooth, was the method practiced by Bing, and the Beale Tooth-Crown also consisted of a tooth with a bar baked therein, and having its ends projecting from the lateral walls of the tooth. The mode of moulding teeth of plastic material upon the gum is merely a deviation from the usual methods. It is questionable whether such methods have not been previously practiced by some dentists.

Patent, No. 374,572, granted to Stephen T. Beale, Jr., Philadelphia, Pa., December 13th, 1887.

Claims:—First. An artificial tooth having a triangular shaped bar baked into the body thereof, in its formation, and extending beyond the side walls of said tooth, in combination with one or more teeth, having metallic backs with sockets and anchor-posts.

Second. An artificial tooth, in combination with a horizontal bar and one or more pins, with heads which are held firmly in the body of the tooth, and the opposite ends of said bar and pins extending beyond the side walls of the tooth, for attachment to a tooth having a similar bar and pins fitted into the same.

Third. The combination with a porcelain tooth and a triangular bar running horizontally through said tooth of one or more pins, the heads of which are imbedded into the body of the tooth, in its formation, and extended from the side walls thereof, and a platinum or other plate attached to said bar and pins.

Remark:—The artificial tooth is similar in construction to the Bing tooth, in which the bar or pins are baked in the body of the tooth, and extended from the side walls thereof; the difference is in the shape of the bar and method of soldering the teeth together. The inventor has not operated the patent to the extent of claiming royalty, and the belief is that it has been abandoned to the profession.

Patents for Removable Bridge-Denture.

Patent, No. 365,764, granted June 28th, 1887, to J. A. Throckmorton, for clasps extending over the alveolar process, to retain the plate in place.

Claim:—The combination, with a whole or partial plate of artificial denture, of one or more metallic clasping plates (clasps) extending from the inner or outer margin of the denture, as described, said clasping plates being bent or curved over the alveolar process and gums of the upper jaw, or the buccal side, or under the parts at the lingual side of the posterior position of the lower jaw, substantially as herein set forth.

Remark:—The use of clasps in bridge-dentures has been in vogue, in removable plates and bridges, more than fifty years previous to the date of the granting of this patent. The clasps extending over the alveolar process is, in a measure, novel, though it is but a modification of the method of allowing a metal plate to extend over the alveolar process, both deriving support by the same means.

Patent, No. 421,116, granted to John A. Throckmorton, February 11th, 1890.

Claim:—The removable bridge-work for artificial denture, substantially as herein described and shown, with clasping arms for attachment to natural teeth, or plates extending from the inner or outer margin of the bridge-work, and adapted to clasp over the alveolar process of the gums, as set forth.

Remark:—The criticism appended to patent, No. 365,764, applies as well to the above described patent, as the claims granted therein are for the adaptation of the same principle

granted in patent, No. 365,764, applied to a different form of denture. These patents, No. 365,764 and No. 421,116, are being operated by the inventor, *i. e.*, a royalty is charged for the use of the method.

Patent, No. 352,653, granted to John J. Stedman, May 19th, 1891, for an artificial denture having the last molars omitted therefrom, and having incased spring mechanism located between its plates in the position of the lost molars.

Remark:—It is an old method to fasten spiral springs to upper and lower dentures, thus connecting them, and hold the plates in position. The patent is an improvement thereon.

Patent, No. 424,924, granted to George L. Curtis, for a removable bridge-denture, consisting of the combination of a divided truss supported upon natural roots or crowns of teeth, with a bridge or crown removably secured to said divided truss; said crowns having slots to engage the arms or trusses.

Remark:—This method of removably securing bridge-dentures is novel, and hence the patent is valid. The belief is that the inventor has abandoned this invention to the profession.

Patent, No. 390,521, for removable bridge for artificial dentures, granted October 2nd, 1888, to Cassius M. Richmond, assignor to the International Tooth-Crown Co.

Claims:—First. The combination of the prepared root having a sealing metallic cap, hermetically sealing the same, and a removable bridge fitting the face of said metallic cap, and provided with a pin permanently secured thereto, and entering within the metallically sealed cavity of the tooth, substantially as described.

Second. The combination of a prepared root having its end metallically hermetically sealed, a dental bridge adapted to fit the same at one end and provided with a support at the other, adapted to rest upon the supporting surface of a tooth or root, substantially as described.

Third. The combination in a removable dental bridge of a prepared root having its end hermetically sealed, with a suitable terminal support on the said bridge fitting said root, the

said bridge being provided at its other end with a clasping attachment connecting it to a supporting tooth or terminal, substantially as described.

Patent granted to Geo. V. I. Brown, March 16th, 1886, for dental bridge-work.

Claims:—The process in the manufacture of artificial dentures of fitting silver bands to the permanent teeth, making a plaster cast of the jaws, with the bands attached; then, removing the bands, adjusting them to the model of the permanent teeth on the cast; waxing up such artificial teeth as may be necessary; investing the cast and artificial teeth in a flask; removing the wax and casting about the teeth and bands a molten alloy, forming the metal bridge without backing or the use of solder—all as and for the purpose set forth and described.

Patent, No. 315,656, granted to Philip A. Palmer, April 14th, 1885.

Claim:—A natural tooth provided with a protective band or cover permanently secured thereto, in combination with a removable partial artificial denture, provided with one or more fastenings, whereby the natural teeth will not be clasped directly.

Remark:—This patent provides for banding the natural tooth permanently, to prevent the abrasion of the tooth caused by the friction of the clasps. Its validity is questionable.

A Chart of Patented Tooth-Crowns.

- **Crowns with Pivots.**
  - **Pivot Secured to Crown (Permanent).**
    - **Baked.**
      - Basal depression (1).
      - Non-basal depression, difference in pin (2).
      - Base of crown shaped, rigid pin (3).
      - Tapering post, polygonally-sided at its base (4).
    - **Soldered.**
      - Metal back, porcelain facing, root banded, curved pin (5).
      - Porcelain face, metal backing, resting on a flange or upturned lip (6).
      - Metal band, countersunk into tooth-crown, pivot soldered thereto, porcelain face, metal backing (7).
      - Root, non-banded, saucer-shaped, cap fitting end-root, stepped plug, porcelain facing, metal backing, all soldered together (8).
      - Porcelain crown, bowl-shaped, lined with platinum, pin with perforated collar soldered thereto (9).
      - Porcelain facing, metal backing, extending into a root-band having a flange or shoulder, at its centre, forming a root-cap (10).
      - Porcelain facing, metal backing, metal cap on root, all united by solderings (11).
  - **Pin Unsecured to Crown (Removable).**
    - Crown (metal) screwed on by threaded screw, fitting into a threaded tube secured in root (12).
    - Crown (metal) secured by a screw passing through cap into root, cemented therein (13).
    - Porcelain cap, with pins, metal band, contoured the shape of tooth-cap to rest upon.
    - Pivots in roots, cement fastening all parts together (14).
    - Porcelain crown, with vertical opening, perimeter of base enlarged, pin cemented in crown and in root (15).
    - Porcelain crown, with tube passing vertically through centre, and strengthened by headed pins curving around tooth and baked therein, crown fastened by a threaded screw-post, passing through tube into tooth-root (16).

- **Crowns without Pivots.**
  - **Pin Required to be Secured in Root. (No form of Pin specified in patent).**
    - *Two-piece Crowns.*
      - Metal body and masticating surface, pins extending from backing, porcelain facing baked thereon (17).
      - Metal body and masticating surface, porcelain facing, provided with headed pins, to fit in tubes (openings) in backing, and cemented therein (18).
      - Metal body, masticating surface, porcelain body having a screw baked in, provided with thread to be cemented in tube in backing (19).
      - Porcelain tooth, with metal cap imbedded in its base, by baking, forming a cap thereon (20).
      - Natural tooth bevelled inwardly, on buccal side, from lower to upper portion, with cap or cusps of porcelain extending over the same, with porcelain facing fitted underneath, and a metal band, encircling three sides, and across the cusp (21).
      - Metallic banded portion split, with a dovetail projection, and a sliding key to fit said dovetail, with porcelain tooth thereon (22).
      - The buccal facing and grinding surface, both of porcelain, adjusted at right angles and separable, can be soldered together, and a pin soldered thereon, to receive the head of a screw (23).
      - Gold hollow crown, pins in root, cemented (24).
      - All porcelain, with an aperture passing through it, and terminating with a countersink (25).—*Bonwill.*
    - *Single-piece Crowns.*
      - All porcelain, with a vertical opening, and a circular under-cut at its base (26).
      - All porcelain, with a vertical opening at its base and a collar or bushing of platinum on the lingual surface, for the head of pin (27).
      - All porcelain, with a vertical opening and enlarged bowl-shaped depression at its base (28).
      - All porcelain, with a vertical opening countersunk for the head of pin (35).
      - All porcelain, with tapering opening, smaller at its base, enlarged at its face (masticating surface), having cusps, can be cut to form articulation (29).
      - All porcelain tooth, with pin which are bent around a pivot, anchored in root-canal, and the backing formed of amalgam (30).
  - **No Pins Required to Secure Crown in Root.—Shells.**
    - *All Gold*
      - Gold crown, with interior ledge of corrugated plate, soldered to crown (31).
      - Gold crown, with plain collar, and opening at end forming inner collar, and outer shell is soldered thereto, making a double crown (32).
      - Seamless gold crown (33).—*Evans.*
      - Seamless gold crown (34).—*Rynear.*
      - Detachable gold crown, with springs soldered inside crown, which hold it in the encasement of natural tooth, by frictional tension (36).
    - *Platinum.*
      - Platinum cap, labial surface, covered with enamel (37).
      - Metal shell, gold and platinum-iridium (38).

	PATENTEE.	NO. OF PATENT.	DATE OF ISSUE.
1.	J. Logan,	310,294,	January 6, 1885
2.	E. Parmley-Brown,	423,467,	March 18, 1890
3.	Cassius M. Richmond,	346,316,	July 27, 1886
4.	A. C. Fones,	455,450,	July 7, 1891
5.	Cassius M. Richmond,	351,071,	October 19, 1886
6.	Charles P. Grout,	354,833,	December 21, 1886
7.	Moses Rynear,	342,761,	May 25, 1886
8.	James E. Low,	376,603,	January 17, 1888
9.	Genese,	430,522,	June 17, 1890
10.	Arthur E. Mattison,	280,052,	June 26, 1883
11.	Cassius M. Richmond,	392,226,	May 22, 1883
12.	S. B. Dewey,	409,671,	August 27, 1890
13.	Cassius M. Richmond,	277,941,	May 22, 1883
14.	E. T. Starr,	342,271,	May 18, 1886
15.	W. H. Gates,	163,913,	June 29, 1875
16.	Calvin S. Case,	328,837,	October 20, 1885
17.	Lucius T. Sheffield,	354,356,	December 14, 1886
18.	Lucius T. Sheffield,	354,357,	December 14, 1886
19.	Cassius M. Richmond,	———	November 6, 1888
20.	J. J. Patrick,	380,512,	April 3, 1888
21.	George L. Curtis,	424,050,	March 25, 1890
22.	Charles P. Grout,	333,216,	December 29, 1885
23.	A. W. Day,	388,269,	August 28, 1888
24.	J. B. Beers,	144,182,	November 4, 1873
25.	W. G. A. Bonwill,	238,334,	March 1, 1881
26.	W. S. How,	313,737,	March 10, 1885
27.	H. C. Register,	319,946,	June 9, 1885
28.	M. W. Williams,	317,259,	May 5, 1885
29.	Calvin S. Case,	282,640,	August 7, 1883
30.	W. S. How,	313,738,	March 10, 1885
31.	C. S. Hulburt,	377,855,	February 14, 1888
32.	Charles P. Grout,	———	August 24, 1886
33.	George W. Evans,	373,346,	November 15, 1887
34.	Moses Rynear,	305,238,	September 16, 1884
35.	Henry Lawrence,	6,406,	May 1, 1849
36.	T. S. Waters,	377,970,	February 14, 1888
37.	Charles E. Blake, Sr.,	355,126,	December 28, 1886
38.	Charles P. Grout,	319,236,	June 2, 1885

As it is an impossibility to give an individual description of each patented tooth-crown, the above classification has been arranged, embracing all such patents. Referring thereto, it will be noticed that nearly all forms of tooth-crowns used by dentists have been patented.

D.—A LEGAL INTERPRETATION OF CROWN AND BRIDGE PATENTS.

The legal position of the dental practitioner with regard to certain crown and bridge patents, in view of the decisions of Judges Wallace and Shipman in the suit of International Tooth-Crown Co. *v.* Richmond *et al*, receives an answer in that important case.

This decision declaring the two patents, Nos. 277,941 and 277,943, granted to Cassius M. Richmond, for tooth-crowns, invalid, practically makes free the whole system of tooth-crowning, where a metal band is used to encircle the tooth-root, or a metal cap to cover the end of the root, and any tooth-crown consisting of a metal band or cap covering the end of the root, in combination with a metal backing and porcelain facing, or any varieties of this form of crown. This decision should annul certain patents for "tooth-crowning methods," which are but improvements upon this system.

Regarding bridge-dentures, the decision in International Tooth-Crown Co. *v.* Richmond, declaring the patent, No. 277,933, to Alvan S. Richmond, for "bridge," an infringement of a patent, No. 238,940, granted to James E. Low, makes this latter patent the key to all forms of "permanent bridge-dentures, supported at one or more points by caps or bands," cemented on adjoining teeth, without dependencies on the gum beneath.

The current belief of competent experts and that of the author is, that evidence and arguments can be presented to show that the claims granted in the Low patent are too broad, and the construction and interpretation of these claims in the decision given in the case of International Tooth-Crown Co. *v.* Richmond, allow the patentee more than he is justly entitled to.

The annexed abstract of this case contains the decision of the four patents alleged to be infringed:

United States Circuit Court, Southern District of New York.

In the case of International Tooth-Crown Company *v.* Richmond *et al* (30 Fed. Rep., 775), before Wallace and Shipman, J. J., Wallace, J.: (United States, etc.)

"The complainant is the owner of four patents relating to improvements in the dental art, all of which are alleged to be infringed by the defendants. This suit is brought for an injunction and accounting.

"The first of the patents in suit was granted to James E. Low, March 15th, 1881, upon an application filed December 20th, 1889. The subject is an improvement in dentistry, whereby artificial dental surfaces may be permanently fixed in the mouth in place of lost teeth, without the use of plates or other means of deriving support from the gum beneath the artificial denture. The patentee refers in his specification to the preëxisting state of the art."

[A part of the patent is then quoted, and the Judge proceeds:]

"It is entirely clear that the invention described in the patent was not only new and useful, but was an improvement in the dental art of considerable merit.

"The former methods of supporting artificial teeth referred to in the patent, were not designed to secure a permanent attachment of the artificial tooth to the natural teeth, but were intended to secure a removable attachment, the theory of many dentists being that a rigid attachment was undesirable and impracticable, as unclean and, also, as liable to produce inflammation of the natural teeth. The methods which had been employed to secure a permanent or rigid attachment of the artificial to the natural teeth, were well calculated to excite the distrust and opposition of intelligent dentists. One of these is described in an article, of which W. H. H. Eliot was the author, published in March, 1844, in 'The American Journal of Dental Science.' This describes an artificial denture consisting of three teeth, fastened upon a backing of metal. The extreme teeth, or the ones at each end of the artificial denture, are provided each with a pin. The pins are to go into holes drilled in the prepared roots of natural teeth, and in this way the denture is to be held in place. A slight bearing surface is formed by plates which are to bear upon the smooth ends of the natural roots remaining in the gum. This denture simply consists of

teeth held in by pivots and connected by a bar or backing of metal. Another of these methods is described in the United States patent to Benjamin J. Bing, of January 23d, 1871. This method consists in attaching artificial bars, which bars at either end are to be secured to natural teeth by forming cavities in the natural teeth, inserting the ends of the bars in the cavities, and then filling the cavities with gold.

"The objection to the use of plates and other methods of supporting the artificial tooth by the gum, are sufficiently pointed out in the patent, and the objections to methods like those of Eliot and Bing for supporting the artificial teeth by a permanent attachment to natural teeth, or the roots of such teeth, are obvious. Where pivots are inserted in the teeth to secure a rigid attachment, as in the Eliot method, they become loosened in the process of mastication, and the teeth are liable to be split by a sidewise wrench or motion. Such methods as Bing's tend to the destruction of the adjacent natural teeth, the strain and motion in mastication loosening the metal fillings, and requiring a re-attachment of the denture, from time to time, to the increasing injury of the natural teeth.

"By the method of the patent, a plate is dispensed with when some natural teeth remain, and instead of the artificial teeth being loosely clasped to the adjacent natural teeth, they are attached with strength and permanency, and are not forced into contact with the gum during the strain of mastication. By being firmly fixed upon bands of metal, secured rigidly and permanently by cement, or otherwise, upon the adjacent natural teeth, which they surround, the denture has an easy and efficient bearing, the gum escapes injury, and the strain of mastication is transferred to the natural teeth. When the natural teeth employed have their surface adjacent to the gum cut away at the back, and only descend to contact with the gum along the front edge, another advantage results; because the small area covered by the bases of the teeth precludes such an accumulation of food or other foreign matter between the gum and the denture as cannot be

readily removed. It is not contested that Low was the first to devise and perfect the improvement described in the patent; but it is urged that, in view of the prior state of the art, as described by the publications referred to, and as also described by the publications of Lintott, Scott, Fowell, and others, the improvement of Low did not involve invention. The references to the publications of Lintott, Scott, and Fowell are not of sufficient importance to require comment. Undoubtedly, Low was materially assisted in perfecting his invention by his observations of the artificial crown of Dr. Richmond, and it is not unlikely that the invention derives its chief value from its adaptability to use with the Richmond crown. It may not have involved a high order of inventive faculty to work out the conception, by connecting such crowns by a bar or bridge bearing an artificial tooth or teeth. Nevertheless, the fact remains that Dr. Low was the first to accomplish successfully what skilled dentists, like Dr. Rich, did not believe to be practicable, and to demonstrate how the objections, which were supposed to be so serious to the method of rigid attachment, could be obviated. It is not difficult after the fact to show, by argument, how simple the achievement was, and, by aggregating all the failures of others, to point out the plain and easy road to success. This is the wisdom after the event that often confutes invention and levels it to the plane of mere mechanical skill. This ingenious argument in this case has not satisfied us that there was no invention in the improvement of Low.

"The defense is relied on that the invention had been in public use for more than two years before the application for the patent. The proofs show that operations were performed by Low during the latter part of the year 1877, in which he inserted the dentures of the patent in the mouths of patients. As the application upon which the patent was granted was not filed until December 20th, 1880, the defense would be established, were it not for the fact that Low had made an application, which was filed in the Patent Office January 6th, 1879, which had never been abandoned, for substantially the same invention. That application contained some matters

foreign to the subject of the second application, but so far as it related to the inventions covered by the claims of the patent, it did not differ from the second application, except in a single particular. The specification of the patent states that non-contact of the artificial tooth or denture carried by the bridge, with the gum, or the absence of pressure upon the gums, is one of the advantages of the invention; while it was stated in the first application to be necessary 'to carefully fit the base of the tooth or block to be inserted to the jaw, and, when secured, it should be so pressed down as to leave no space beneath it for the admission of food.' The statement in the first application is not inconsistent with the method of the patent, which consists in attaching the artificial tooth or the denture to bands, and supporting them by the adjoining permanent teeth, 'without dependence upon the gum beneath.' So long as this essential feature of the invention is retained, it is quite immaterial whether the artificial denture 'is so pressed down as to leave no space beneath it for the admission of food,' in the language of the specification, or whether it is in positive non-contact with the gum. When the artificial denture is in non-contact with the gum, cleanliness is facilitated, and the suggestion which was first made in the second application was, therefore, a useful one. But it did not change the invention in essentials. Although the tooth or denture is pressed down so close to the jaw that food cannot lodge between it and the gum, it is still supported by the adjacent tooth or teeth, and not by the gum. As was stated in the first application, 'the yielding surface on which it rests will readily conform to the tooth or block, and any pain at first induced by the pressure will disappear.'

"There is nothing to indicate that Low intended to abandon his first application. His application being refused, correspondence ensued with the Patent Office, and finally Low made a personal visit to the office, had an interview with the Examiner, and convinced the Examiner that the invention which was the subject of the application was meritorious and novel, and one for which he was entitled to a patent.

During the controversy with the Patent Office, various interpolations had been made in the first application, and the Examiner suggested that Low had better make a new application, and thereupon the second application was drawn up. So far as relates to the present invention, the new application differed from the first merely in omitting some superfluous matters, and in changing the description in reference to the character of the contact between the denture and the gum. There was no act on the part of Low which was equivalent to a withdrawal of his first application or to an acquiescence in its rejection. He merely made a new application as a more convenient way of presenting the original application for the final action of the office, after he had been assured that the rejection of his first application would be considered and a patent would be granted for the present invention. Both applications are to be considered as parts of one continuous proceeding, and the two years within which the invention could not be publicly used without invalidating the patent, did not begin to run until January 9th, 1879. (Godfrey *v.* Eames, 1 Wall, 317; Smith *v.* Goodyear Co., 93 U. S., 500; Graham *v.* Geneva Lake Co., 11 Fed., 138.)

"The second claim includes, with the elements of the first one, the features of a tooth cut away at the back. Thus construed, the defendants infringe both claims of this patent.

"The next patent in suit, which may be most conveniently considered, is No. 277,941, granted May 22nd, 1883, to Cassius M. Richmond, assignor, etc. The application for this patent was filed December 1st, 1882. This patent is for the invention known in the dental profession as the Richmond Tooth-Crown. A patent was granted to Richmond, dated February 10th, 1880, for an artificial tooth-crown, and the present invention is said to be for an improvement upon the tooth-crown therein described, but it is, in fact, for a radically different tooth-crown. The invention relates to an improved method or device for attaching such crowns to the roots of stumps of natural teeth remaining in the mouth, the object being to provide an artificial crown of improved construction to be adjusted and secured to the root of the natural tooth, in a

permanent, practical, artistic manner, so that the tooth, when finished, will present a natural appearance and be capable of the same service as a sound natural tooth. After the natural root or stump has been cut off or ground, preferably on a level with the gum, and a hole is drilled therein, into which a pin is to be subsequently inserted, a metallic ferrule is then fitted upon and shaped to the prepared root of the tooth. A suitable crown is then selected to be applied to the root (color, size, and shape being consulted), in order to make it conform, in appearance, to and as a substitute for a natural tooth. The artificial crown is provided with a metallic back or attachment, which has holes through it to allow the passage of the pins, which are firmly imbedded into porcelain. The root and crown having been so prepared, the crown is placed in position and attached to the ferrule by wax, sufficiently to hold the crown firmly in position to allow of the removal of the ferrule. Then a suitable pin, designed to be inserted in the hole drilled in the root, is imbedded in the wax. The prepared crown is then invested or protected by a suitable cover of marble dust and plaster, leaving the wax portion exposed. This investiture will hold the parts in the position which they are to occupy in the mouth. The wax is then melted from the pin and crown, and replaced by a suitable gold solder, which may be blown in a blowpipe and fused around the pin. This solder will unite with the pin extending into the root, the ferrule, the pin extending into the porcelain, and the porcelain backing, making a solid backing to the crown and firmly holding all the parts together. The prepared crown is then slipped upon the prepared root and cemented thereon, the ferrule, when placed in position, projecting along the very margin of the gum, sufficiently to protect the root from decay and to conceal the ferrule from view."

[The patent is then quoted from, and the opinion proceeds:]

"It is not open to doubt that this patent describes an invention in dentistry of the greatest utility and value. The invention enables an artificial tooth to be placed upon a

natural root, which can only be distinguished from the natural tooth by the most critical examination, which is as serviceable while it lasts as a natural tooth, and which is very durable. The Richmond crown not only supplies the place of a natural tooth for the purposes of use so as to be a perfect substitute for a lost tooth, but it can be so artistically made as in any instance to be an improvement, in appearance, upon the natural tooth. Nevertheless, if the patent can be sustained as valid to any extent, it can only be upheld by placing a very narrow limitation upon the claims.

"Without referring at present to the state of the art at the time Dr. Richmond conceived the inventions of the patent in 1880, and of the present patent, it suffices to say that everything which is the subject of the fourth, fifth, and sixth claims of the present patent, had been in prior public use for more than two years prior to the application for the patent, and was public property prior to the year 1880; and if the remaining claims are valid, it is only because an inclosing cap by which the end of the root is hermetically sealed, and thus protected from the action of the fluids of the mouth, is an element of each claim. The inventor himself had abandoned all the rest of his invention to the public. As early as in December, 1876, Dr. Richmond had inserted a denture in the mouth of a patient in San Francisco, involving the principle of the patent. That denture differed from the artificial tooth-crown of the patent only because the inclosing ferrule or band was not a cap which covered the end of the root, and did not extend so far under the gum of the patient as to wholly conceal the gold surface. The denture as then inserted by him was a complete practical success, and, so far as is known, still remains in use in the mouth of the patient. In the years 1878 and 1879, Dr. Richmond practiced the invention extensively in many of the large cities of the United States, and demonstrated to hundreds of dentists in public clinics and private practice the method of preparing and inserting his artificial tooth-crowns. The method was practiced with differences of detail, but was always the same in essentials. The root was always prepared in the way pointed out in the pat-

ent, and the denture always consisted of a ferrule or band accurately fitted to surround the root, to which was soldered a crown with a porcelain front having a pin extending into the root, the whole being cemented on the root in one piece. Sometimes a loose floor of platinum or gold was packed inside the band behind the backing of the porcelain front, so as to make a floor above the solder when the crown was invested in position and the solder blown in; and sometimes instead of a loose floor a half floor was joined to the band extending partly over the end of the root, forming a cap embracing part of the exposed end of the root, and the solder was then blown in under the cap. When made in either of these ways, the denture consisted of a porcelain tooth attached to a ring of gold at its upper part, and where the porcelain itself met the ring, there was no solid floor to the ring, but the porcelain itself impinged upon the ring.

"Among those to whom Dr. Richmond taught the invention, was Dr. Gaylord, a dentist, one of the defendants in this cause. Two original dentures made by Dr. Gaylord and inserted in the mouths of patients, one in April, 1879, and the other in May, 1879, have been produced in evidence and identified, and the fact that these tooth-crowns were made and inserted at those dates and were practical and successful operations, and that with a single exception both were in all respects the tooth-crowns of the patent, inserted according to the method of the patent, is clearly established. It is conceded by the expert for the complainant, that if these dentures had been made with a ring or ferrule having a complete floor embracing the exposed end of the root, they would be the tooth-crowns of the patent. One of them has a half floor of platinum back of the porcelain under the ring, intended to partially inclose the exposed end of the root; and the other has a partial floor made of loose gold foil stuffed behind the porcelain, before the solder was flowed through the back of the crown. It is insisted that when the crown is constructed in this way, it does have the inclosed cap of the patent, and consequently the end of the root is not hermetically sealed. The controversy as to this patent is thus

narrowed down to the question whether the substitution of a complete floor over the end of the natural root, in the place of a partial floor, involves a sufficient invention to sustain the patent.

"It is to be observed that in one sense the end of the root is hermetically sealed according to the method of the patent, whether covered with the closed cap or not. The specification states that the prepared crown is slipped upon the prepared root and cemented thereto. As the invention was practiced by Dr. Richmond from 1876, enough cement was placed inside the recess of the prepared crown to exude at the margin of the gum when the crown was forced on the root, to fill up the space, and to make a solid contact, when hard, between the root at all the parts exposed and the crown beneath and the ring surrounding the root. The cement not only serves to hold the crown firmly in its place upon the root, but forms a hermetically sealed inclosure of the root. But it is insisted by the experts for the complainant, and by some of the witnesses who have applied the invention practically, that unless the ring has a solid metallic floor, the porcelain, where it joins the ring, cannot be so closely united that the juices of the mouth will not enter at the joint; that the solder flowed in behind the porcelain will not effectually close this joint; and that in consequence the cement inclosing the root will soon be dissolved and destroyed by the secretions of the mouth. It is alleged that if the minutest hole or perforation is left in the floor of the inclosing cap, the cement is exposed to the secretions; that the secretions of different mouths vary wonderfully in their destructive action, and that while in some cases the cement might resist for years, in others, it would fail speedily; and thus that the practical value of the invention depends most materially upon the inclosing cap.

"Inasmuch as Dr. Richmond had for years been practicing the invention, without a closed cap, and introducing his artificial crown everywhere to the profession as a perfect substitute when inserted upon a natural root for the natural tooth, it may be doubted whether the mechanical change of

covering the ring with a solid floor, thereby converting it into a cap, was introduced by him so much for its utility as it was for the purpose of suggesting novelty, and enabling him and those with whom he had been engaged to obtain a patent. The change was not made until others had become pecuniarily interested with Dr. Richmond in his invention. Then it was suggested that the reason of the failure of several crowns which had been inserted for patients, was that they were defective, because they were open at the end of the cap inclosing the end of the root at the point where the porcelain came in contact with the cap. Thereupon the closed cap was adopted. No experiments were apparently necessary, but the defect was remedied as soon as it was suggested. It is testified that the effect of this change was greatly to increase the strength of the artificial crown, and assist in protecting the root from the leverage of the pin by lateral pressure, as well also to protect more efficiently the cement from the action of the secretions of the mouth. On the other hand, the testimony indicates that since the closed cap has been adopted, it is not exclusively used by those who are authorized to practice the invention under the patentees. And although it is perhaps generally preferred, the impression left by the proofs is, that there is considerable exaggeration in the opinion that attributed to the closed cap the peculiar efficacy which has been assigned to it.

"If Dr. Richmond had been the first to make a closed cap for a use cognate to that to which it was applied by him, the question whether there was any invention in making the change might be resolved in favor of the complainant. But it was not new in the art to use a closed cap in order to hermetically inclose the root of a tooth. This sufficiently appears by reference to a publication in the 'Missouri Dental Journal,' in 1869, of the operation of Dr. Morrison. That publication describes an operation in which a gold cap is fitted upon the root of a lost or decayed tooth, so as to be adjusted accurately to the remaining portions of the tooth and made to correspond, in configuration, with the original tooth. The cap is filled with thin paste of cement, and

pressed to its place upon the root, the superfluous cement being crowded out at the margin of the gum where the cap extends quite to the alveolus. Another instance of the use of the caps having a tight metal floor to be inserted on the natural roots of teeth, and having a porcelain tooth-crown soldered on the cap, is disclosed in the patent granted February 3d, 1881, to John B. Beers, for an improvement in artificial crowns for teeth. In view of these references alone, it must be held that there was no invention in making the change which was effected by Dr. Richmond in the fall of 1881, by substituting the closed cap in the place of the cap with a partial floor or without a solid floor. All that Richmond did, was to close a band or ferrule with a bottom of gold, and build up his artificial crown upon it, and the way to do this had been already pointed out.

"The patent cannot be sustained upon the theory that Dr. Richmond was experimenting with and improving his method of making and inserting artificial tooth-crowns during the time intervening between his operation in San Francisco, in 1876, until at last, with the change to the closed cap made by him in the fall of 1881, he succeeded in perfecting an invention which up to that time had been inchoate or incomplete. During all this period, he had been demonstrating and practicing the invention in public to dentists throughout the United States and in his private practice, with all the variations of mechanical detail. Those to whom he taught his method for compensation bought their instruction in order to practice the invention in their profession; they did practice it, and it was put into successful use in all parts of the country; and it is now too late to deprive the public of what became rightfully theirs, by supplementing to the invention a mere matter of mechanical improvement which in itself had no patentable novelty.

"The third patent in suit is No. 277,933, granted May 22nd, 1883, to Alvan S. Richmond, assignor, etc., for an artificial denture.

"It is sufficient to say of this patent that, in view of the invention of Dr. C. M. Richmond and Dr. Low, the first and

third claims embrace nothing which involves invention, and that carrying the metal of the bridge under the wearing surface of the porcelain does not impart a patentable character to the third claim.

"At the hearing of the cause, we indicated sufficiently the reasons for considering the fourth patent, upon which the suit was brought, invalid for want of novelty, and it is unnecessary to enlarge upon them now.

"A decree is ordered for an injunction and an accounting as to the first of the patents in suit. As to the others, the bill is dismissed. Neither party is awarded costs.

"E. N. DICKERSON, JR., and E. N. DICKERSON, for the plaintiff.

"JOHN KIMBERLY BEACH and S. J. GORDON, for the defendants.

"(Endorsed) United States Circuit Court, Southern Dist. of N. Y. The International Tooth-Crown Company *v.* Richmond *et al.*—Opinion, Wallace, J., U. S. Circuit Court. Filed, February 22nd, 1887., Timothy Griffith, Clerk."

The history of this litigation shows that Dr. Richmond having sold his crown patent to Dr. Sheffield, one of the incorporators of the International Tooth-Crown Company, and taken a license under it, was, in default of payment of license fees, sued as an infringer of his own patent.

Another suit having been brought against Dr. Gaylord, of New Haven, for infringement of patents owned by the International Tooth-Crown Company, a consolidation of the two cases was effected, and the issue was tried on its merits, to test the validity of the four patents named, with Dr. Gaylord, as the principal defendant.

An association of dentists was organized in New York, under the leadership of Dr. A. L. Northrop, which assumed the defense of the suit. The case was argued before Judges Wallace and Shipman, with the result as stated above.

An appeal was taken by the Crown Company to the Supreme Court, as to the two patents to C. M. Richmond. The defense was conducted by the association of New York

dentists referred to, assisted by the counsel of the Dental Protective Association.

The Supreme Court has sustained the action of the Circuit Court declaring invalid the C. M. Richmond patents, Nos. 277,941 and 277,943, which are now public property. The Low patent and the A. S. Richmond patent had not been appealed, and were not before the court. The former, therefore, is in force, and the latter remains invalid by the decree of the Circuit Court, the decision in both these cases being, however, subject to revision by the Supreme Court on appeal.

Artificial Bridge-Dentures.

A bridge-denture practically means the adaptation of one or more artificial teeth, to replace the lost natural ones, without the use of a plate covering the roof of the mouth; the artificial teeth being connected to a bar having its terminal supports upon the natural teeth or roots, by clasps, pins or similar devices and intervening ones, if necessary, upon adjacent teeth, thereby securing it in position permanently or removably.

The bridge principle was in use over fifty years ago, and even as far back as 1785, and therefore is public property; hence any dental practitioner can avail himself of the various uses to which the principle can be adapted, providing he does not infringe certain existing patents. There are two methods recognized in bridging teeth, *viz.: removable* and *permanent*. The former are generally retained by means of clasps encircling adjoining teeth. This principle has been practiced, as stated, for more than fifty years. Cases can be brought forward in substantiation of this fact; consequently all forms of *removable* bridge-work are practically free (decided in International Tooth-Crown Co. *v.* Richmond *et al*), and can be practiced without infringement, excepting possibly the Throckmorton patent, in which a clasp extends over the alveolar border, or the Curtis Bridge-Denture. All other improvements patented are such as do not embrace the nov-

elty requisite to sustain the claims of invention, or the invention has been abandoned to the profession.

Permanent bridge-dentures, it is claimed, are all infringements of the Low patent, sustained in the case of International Tooth-Crown Co. *v.* Richmond *et al*, this patent practically covering all forms of permanent bridge-dentures. This claim is erroneous. The following forms can be practiced without infringement, *viz.*: "An artificial denture consisting of teeth fastened upon a metal backing. The extreme teeth, or those at each end of the artificial denture are provided each with a pin. These pins are to go into holes drilled in the prepared roots of natural teeth, and in this way the denture is to be held in place by means of cement. A slight bearing is formed by plates which are to bear upon the smooth ends of the natural roots remaining in the gum. This denture consists of teeth held in by pivots and connected by a bar or backing of metal." This method was described by W. H. H. Eliot, in an article published in March, 1844, in the AMERICAN JOURNAL OF DENTAL SCIENCES, and was quoted in the case of International Tooth-Crown Co. *v.* Richmond. Hence this form of permanent denture can be practiced without fear of infringement. For a more accurate description, it can be said "that to join artificial teeth together by means of a bar or by metal backings, and having the extreme teeth (or intervening ones) provided with pins which are inserted in the canals and fastened by means of cement," is a legitimate form of practice, unprotected by patents.

Again, a method for which a patent was issued to Benjamin J. Bing, January 23d, 1871, consists of attaching artificial teeth to metallic bars, which bars at either end are secured to natural teeth, by forming cavities in the natural teeth, and then filling the cavities with gold or other material. As this patent has expired, it can be used without legal liability. Combinations of the Eliot and Bing principles can be formed, in which one end of the bar is anchored in a cavity in the natural tooth, and the other one consists of an artificial tooth with a pin which is cemented in the natural tooth-root, or the intervening artificial teeth

may be provided with such pins. These and similar combinations may be formed without fear of infringement of any patents.

The claims granted in the Low patent and sustained by U. S. Circuit Court, Southern District, N. Y., are entirely too broad, and the claim of novelty is in violation of evidence that can be produced, and of the general principles of dentistry and mechanics.

The first claim is as follows: "A bridge attached to continuous bands cemented to adjoining permanent teeth without dependencies on the gum beneath." Upon the analysis of this claim, it seems as if it rests entirely upon the use of the cement to hold the denture in place permanently, as there is no further novelty involved, as one acquainted with the principles and practices of dentistry can demonstrate.

The specification states that "artificial teeth are attached to continuous bands fitted and cemented to adjoining teeth." Thus it is shown that the patentee is restricted solely to supporting and fastening the band permanently to the natural tooth. In the claim, it is not stated whether the band attachment can be made to a metal cap fastened on the root, or whether a metal crown or cap can be substituted for the continuous band. The patentee's right is specified in the patent claims, and in no wise is he entitled to more than is contained in these claims. Hence it is but reasonable to suppose that a natural root with an artificial metal crown cemented thereon, can be used in conjunction with other forms of artificial teeth, without infringement of the Low patent. However, notwithstanding the distinct statement in the claims, the legal decision in International Tooth-Crown Co., as mentioned later, gives a more liberal construction of them. In further criticism of this patent, it may be said that a continuous band is simply a clasp entirely closed, an addition of a half circle.

This does not involve invention. Continuous bands have been frequently used in dentistry previous to the issue of the Low patent, particulary in gold plates, in the regulation of teeth, and in removable bridge-dentures.

In Bean *v.* Smallwood, 2 Story, 408, the court said, "a machine, apparatus or other mechanical contrivance, in order to give the party a claim to a patent therefor, must in itself be substantially new. *If it is old and well known, and applied to a new purpose, that does not make it patentable.*"

The particular use to which a device may be put has no bearing upon the patentability of such device; that must depend upon the essential novelty of its construction and mode of operation.

Hence the use of a continuous band by Low is not new in dentistry, and presumably unpatentable alone, as it is only adapted to a new use. It has been held in this case that a metal crown or cap is but a continuous band with a roof on it.

It is as much novelty for Richmond to support a bridge on caps or metal crowns, as for Low to use continuous bands. A band is a plain, continuous strip, with its ends open. In no wise can a metal crown be construed as a band with simply a cap on it. A *band* must encircle the object it bands closely and be in contract at *every* point, on its inner side, with the object it encircles, or it cannot be called a band. Its outer side may take any desired form, concave, corrugated, etc. For example, a ring or barrel hoop. The ring closely clasps the finger, and the hoop the barrel—the outside may take any desired form. The primary requirement is that the inner side be in contact with the object encircled. If one end is closed, it becomes a cap, a *new* device. When a metal cap or crown is inserted on a tooth-root, but *one* end encircles the tooth, at its neck, while the other portion is not in contact with the tooth; hence, it can in no wise fulfill the requirements of a band and cannot be construed as such. The laws of mechanics will uphold this reasonable view.

The Bing and Elliot dentures were permanently *cemented* in position, therefore Low cannot claim novelty in fastening a denture *permanently* in position by cementing the bridge-piece to the adjoining teeth. His right is restricted, as above noted, alone to the cementing of *continuous* bands to the adjoining teeth.

Furthermore, as to the clause, "without dependencies on

the gum beneath," in the Elliot and Bing principles of bridge-dentures, such dependencies on the gum beneath for support were not required, as the bridge-denture, when in position, was a rigid attachment. Hence both of these inventors had done (Elliot in 1844, and Bing in 1871) what Low claims, in his patent (1878), was original with him. In each case, Bing and Elliot derived the support for their especial form of bridge-denture from the adjoining teeth.

The second claim grants the inventor the right to "an artificial tooth cut away at the back, so as not to present any contact with the gum, except along its front lower edge." This was the form of artificial tooth used by some dentists in constructing bridge-dentures many years previous to the date of this patent. Even in certain classes of temporary bridge-dentures, this principle was observed, because the cutting away of the tooth in the back caused it to better adapt itself to the gum.

In conclusion, the novelty involved in the Low patent right consists in the combination of two elements that have been used in dentistry, for similar purposes, previous to the date of this patent, but not combined. Hence it was new to combine them, and the patent is valid to that extent, *viz.: the cementing of continuous bands to adjoining teeth.* Should a new element be substituted for one of those claimed in the patent, the claim would be broken without infringement, particularly if a new result were attained. Thus, if a metal cap or crown is substituted for the continuous band, the patent is avoided, because it cannot be denied that an entirely new device is used, and another result obtained. The clause, in the first claim, "without dependencies on the gum beneath," has no special signification, because, as has been proven, both Elliot and Bing inserted permanent bridge-dentures without such dependencies.

The foregoing dissertation and criticism, by the author, of the Low bridge-denture patent, and of the litigations that have ensued consequent upon its infringement, is a statement of his opinion and belief as to the actual novelty involved in this method of bridging teeth; of the interpretation of the

claim as granted in the patent right, and of the broad construction of these claims given in the decision in the case of International Tooth-Crown Co. *v.* Richmond *et al.* These conclusions and arguments are stated merely as a personal opinion, and as such must be considered, as the Low patent has been judicially declared valid. The statement of the legal interpretation of this decision is cited elsewhere and expounded below, in the opinion of Messrs. Beach and Gordon, which can be assumed to be correct.

A statement as to the status of the International Tooth-Crown Company's suits, and an interpretation thereof made by Messrs. Gordon and Beach, at the request of the First District Dental Society of the State of New York, is as follows:

"These suits involved the validity of the two patents to Cassius M. Richmond, Nos. 277,941 and 277,943, for 'tooth-crowns,' etc., the patent to Alvan S. Richmond, No. 277,933, for 'bridge,' all dated May 22nd, 1883, and the patent to James E. Low, for 'method of supporting artificial teeth by bands cemented to permanent teeth,' No. 238,940, dated March 15th, 1881.

"The first two patents covered what is known as the 'Richmond' and the 'Sheffield' Tooth-Crowns in all their varieties. They were held invalid, and, therefore, you are at liberty to make such tooth-crowns, without being in any way liable to the International Tooth-Crown Company.

"The complainants have appealed this case to the United States Supreme Court, but we do not advise you that any different decision will probably result. (Decided.) The practical result is that the tooth-crown is free.

"The patent for the Richmond bridge was also held invalid, but the Low patent was declared to be good. This Low patent covers a bridge attached to continuous bands cemented to adjoining permanent teeth, 'whereby said artificial teeth are supported by said permanent teeth, without dependencies on the gum beneath.'

"The Richmond patent is, as you will remember, for a bridge supported by caps, and the court held that it was not invention for Richmond to support a bridge on caps, but

it was invention for Low to support a bridge on bands, taking all the surrounding circumstances into consideration, and that, as a cap was nothing but a band with a roof on it, the Richmond bridge infringed the Low patent.

"The practical effect of this decision, if the complainant chooses to follow it up diligently, and unless some new evidence is found, will be to shut the profession out from inserting permanent bridges supported at one or more points by cemented caps or bands without dependence on the gum. As the matter now stands, any dentist inserting a Richmond bridge (according to the decision) infringes the Low patent, and an injunction would doubtless now be granted by any Federal judge, on application, on the strength of that adjudication alone.

"An appeal can be taken by the defendants to the Supreme Court a year or so hence, after an accounting by them, and determining the amount of profits or damages the complainant is entitled to recover.

"If such proof can be made strong and clear enough to satisfy the court that what Low described was well known, and had been practiced by the dentists in the United States before Low claims to have done it, the present case may be opened for rehearing on the newly-discovered evidence, or the courts might refuse to grant injunctions upon the ground that the present decision would have been the other way, if this evidence had been before it. At any rate, the question of the validity of the Low patent would be retired, if its owner ever had the temerity to sue a dentist who had signed a license in which he covenanted never to deny its validity.

"Whether in a suit against such a licensee the court would enjoin upon the *covenantees*, under a patent declared void, either before or after taking of the license, is questionable."—Dental Cosmos, December, 1887.

Mechanical Operation Patents.

Numerous patents have been issued for mechanical operations, the methods of constructing artificial dentures, etc. The annexed patents quoted are only a selection of a small

number of them, embracing and representing the various classes of patents issued for methods of making artificial dentures. The "Official Gazette of the United States Patent Office" must be consulted for a more complete report of all of them.

Patent, No. 67,129, granted to E. J. Merrick, for an elastic plate, which is attached to the hard portions and may be renewed as the mouth changes. The claims are: First, for an elastic base plate, and second, for the manner of making the elastic base smooth on the lingual side, by means of its being vulcanized in contact with polished metal.

Patent, No. 90,765, to J. A. McClelland, dated June 1st, 1869, for a plate or brass plate having an upturned margin, and for making the gums and attaching them to the prepared plate at one and the same operation of pressing.

Patent, No. 179,508, granted July 4th, 1876, to M. Bemis.

Brief:—A lower denture is composed entirely of double teeth (molars), and is used by placing the denture over either the stumps or the front teeth themselves when they are short.

Again, for artificial teeth in which the plates are formed to fit over the remaining natural ones, the artificial teeth arranged with the longer side inward, and being all or only in part molar teeth.

Patent, No. 89,253, granted April 20th, 1869, to L. R. Streeter, for a celluloid base plate.

Patent, No. 19,916, to Geo. Diffenbach, granted April 13th, 1858, for making the base of an artificial denture of a composition of matter, in which amber forms the principal ingredient.

Patent, No. 39,538, granted to J. A. McClelland, April 11th, 1863, for the combination in a dental plate, of a skeleton-plate, or a plate woven, or of perforated metal, with a base or filling of vulcanized India-rubber, in order to unite the perfect adaptability of rubber to the mouth with the strength of the metal.

Patent, No. 71,707, granted to G. W. Cool, December 3d, 1867, for the method of attaching a thin gold plate to the vulcanized plate, by fitting it to the concave surface of the

vulcanite, and attaching by means of the fine teeth on its surface, that penetrate the vulcanite and are clinched.

Patent, No. 88,682, granted to H. Twitchell, April 6th, 1861, for the method of lining hard rubber plates, or plates of other material, with soft rubber, either partially or wholly.

Patent, No. 391,062, granted to W. H. Miller, October 16th, 1888, for an artificial denture, consisting of a non-metallic denture-plate, having side gums and teeth attached thereto, and a porcelain gum fused thereon, forming the front of the denture, the metallic plate or gum being secured to the non-metallic denture-plate, and the latter vulcanized for a denture having a continuous gum.

A patent was granted on July 7th, 1885, for a dental plate, with one or more strips of absorbent material for holding perfumed or medicated substances in a recess formed in the palatine surface of the plate, and means for securing said strips with a suitable covering for said strips.

A patent granted July 28th, 1885, for a denture composed of perforated metal plate, having a moulded or cast interior surface to fit the palatine surface, combined with teeth set on the perforated plate, and held in place by the moulded or cast material, the metal plate forming the lingual surface and also the base of the whole plate.

A patent was granted to J. J. Stedman, September 24th, 1889, for a method of employing clasps in partial denture. The clasp has a lug, which is vulcanized in the rubber plate, to secure the clasp thereto.

Patent, No. 60,871, granted to N. T. Folsom, January 1st, 1867, for an atmospheric dental plate. A slight, continuous ridge is formed on the inside of the plate, to form a chamber between the plate and the gum, from which the air is partially exhausted, to retain the plate in position by atmospheric pressure.

Patent, No. 115,951, granted to J. P. Gillespie, June 13th, 1871, for a dental plate provided with a flexible disk, the said disk being corrugated on the side next to the plate, or the plate under the disk is corrugated.

Patent, No. 118,484, August 29th, 1871, granted to S. T.

Purvine and H. Smith. The patent claim allows in a dental plate, as a connection between the plate proper and the vacuum chamber, the bar or bars with open spaces.

Patent, No. 207,699, granted September 3d, 1878, to Basil Wilkerson, for a dental plate having an annular groove of soft rubber around the air-chamber.

A patent was granted September 1st, 1885, to T. Phillips, for a method of imitating the gold filling in a natural human tooth, with liquid prepared gold, and then baking or firing the tooth.

Patents for lining artificial dentures with foil were granted to J. A. Daly, October 9th, 1888, and on October 19th, 1888; also to E. T. Starr.

Tooth-Crown Patents.

Many tooth-crown patents have become void, either by legal decisions, expiration of the patent right, or by abandonment to the profession.

Again, many of the inventors have not sought to compel the payment of royalties for the use of their patent, *i. e.*, the patent has not been operated. The patents for the Richmond, Sheffield, etc., crowns (owned by the International Tooth-Crown Company), have been declared invalid by decisions in the courts.

In the case of hollow crowns and shells, the Beers patent practically covers all such classes of crowns. A perusal of the claims granted in this patent will attest that fact. The patent was granted to John B. Beers, San Francisco, November 4th, 1872.

Brief:—A hollow metal crown of gold is lined with enamel, and secured over a screw inserted in the natural tooth.

Claims:—First. A hollow metal tooth-crown or shell for the purpose above described.

Second. The hollow metal crown or shell, when filled with porcelain or other substance, with and for the purpose above described.

Third. A shell or hollow crown secured upon and around the projecting portion or neck of a tooth by means of the screw and a suitable cement, substantially as described.

The claims granted in this patent right are very broad and explicit, granting the patentees the right to all forms of hollow crowns or shells, whether a gold with a porcelain lining, a plain metal or a hollow porcelain crown. The third claim distinctly states: a shell or hollow crown, etc., not specifying whether metallic or porcelain; hence all hollow crowns of whatever material they may consist, if they are "secured upon and around the projecting portions or neck of a tooth," can be claimed under this patent right.

All forms of hollow crowns that have been patented since the date of the Beers patent (November 4th, 1872), are but such improvements as require a mere substitution of material or mode of construction, or more skill in the mode of making, with but little novelty in the crown itself. Many of these patents, if given a test in court upon such evidence, would be invalid.

In view of the above facts, and as the Beers patent has expired, it is safe to say that nearly all forms of tooth-crowns can be used without fear of infringement.

The Goodyear Vulcanite Patents.

During the existence of the Goodyear patent for vulcanite rubber, the dental profession was involved in constant litigations, because of its infringement, in adapting hard rubber to artificial dentures, without a license from the Vulcanite Company. The suits instituted against dentists for the infringement of this patent right and the Cummings' patent, are too numerous to mention.

The amount of money collected from dentists as royalty under these patent rights was fabulous. In consequence of these suits by the vulcanite companies of Boston and New York, the dentists of New York and other cities organized the American Dental Protective Association, to defend themselves against these unjust demands.

The patent rights under which these suits were contested, was the Nelson Goodyear patent, granted May 6th, 1855, for the exclusive control of hard or vulcanized rubber for *all* purposes; and the patent issued to John A. Cummings, June 7th, 1864, for the adaptation of hard rubber to dental purposes. The process covered by the Goodyear patent, was "to mix four ounces of suphur and one pound of rubber, and subjecting this mixture to a heat of not less than 260° to 275° Fahr.," which forms the vulcanite. The claim in the Cummings patent was for "a plate of hard rubber or vulcanite or its equivalent, for holding artificial teeth or teeth and gums."

These patents were owned by the Goodyear Vulcanite Co., of Boston, Josiah Bacon having a controlling interest therein. Many suits were instituted against dentists throughout the United States for the use of the methods claimed in these patents, without obtaining a license therefor from the company.

Among the numerous suits contested for the infringement of these patents, the following may be mentioned:

American Hard Rubber Co., of New York, *v.* J. R. Dillingham, tried in the U. S. Circuit Court, of Boston, January, 1864, before Judge Sprague, to restrain defendants from making hard rubber bases for artificial dentures by the process patented to the plaintiffs.

Bacon *v.* Hill, Supreme Court, Dist. Columbia. Motion for a preliminary injunction overruled. Goodyear *v.* Hills, same court. Motion for a preliminary injunction allowed, subject, however, to be dissolved on motion of the defendant, upon reasonable notice, and on giving to the complainants security to the satisfaction of the court, that he will keep and render an account of all plates for artificial teeth, etc., made of hard rubber, in pursuance of the invention described in the letters in the bill mentioned.

Dental Vulcanite Co. *v.* Drs. Smith, of Syracuse, Harris, of Skaneateles, and Watson and Tripp, of Auburn. Injunction to restrain defendants from using hard rubber denied in every case, with costs.

H. B. Goodyear, as administrator, and Conrad Poppenhusen *v.* Meyer Dittenhoefer, Joseph Steinert *et al*, U. S. Circuit Court, South. District, N. Y. In equity, Cummings *v.* Gummey, Goodyear Dental Vulcanite Co. *v.* Gardiner, N. Y. Circuit Court and U. S. Supreme Court.

Bacon *v.* Wait, H. B. Goodyear *et al v.* the same. Suit for a preliminary injunction to restrain T. G. Wait from infringing the Goodyear patent. H. B. Goodyear *v.* Berry, U. S. Circuit Court, South. District, Ohio.

A new rubber, under the Simpson patent, issued October 6th, 1866, was advertised, in which the manufacturer, A. R. Hale, agreed and guaranteed to defend all purchasers of his rubber in all suits, in law or equity, brought against him under the Patent Laws of the United States, for using the same for dental purposes.

The Simpson patent was for the process of mixing two ounces of benzoin with sixteen ounces of sulphur, and to sixteen ounces of this mixture one quart of linseed was added. This mixture is then subjected to the proper degree of heat, and the result is the vulcanized compound. To make hard rubber, from ten to twelve ounces of this compound is used, in addition to one pound of rubber. This is thoroughly mixed and ground between warm rolls. This mixture of rubber and vulcanizing compound is subjected to a heat of 320° Fahr. The result is the vulcanite.

Numerous dentists availed themselves of the opportunity of the guaranteed immunity from suits, and used the rubber. In subsequent suits, A. R. Hale failed to defend the purchasers of his rubber, excepting the case of Goodyear *v.* Evans, in which it was decided that Simpson's patent was an infringement of the Goodyear patent. The majority of these suits were contested under the Goodyear patent which, however, expired May 6th, 1872; but the Cummings patent was still in force, and the Vulcanite Company continued to levy upon the dentists for royalties under this patent right, for the application of hard rubber to dental purposes. A test case of this patent was instituted by the dentists, *viz.*, Goodyear Dental Vulcanite Company *et al v.* Daniel H. Smith,

U. S. Circt. Ct., Dist. Mass., and tried before Judge Shepley, May 8th, 1874. The patent was sustained and an injunction ordered. An appeal was taken to the U. S. Supreme Court, and, in the final decision, the action of the Circuit Court declaring the patent valid was upheld. The Cummings patent was then in force, until it expired, seventeen years from the date of its issue.

E.—UNITED STATES PATENT PRACTICES.

The experience of the United States Supreme and Circuit Courts has proven that many patents issued are infringements upon others that have been previously granted, but until their legality or invalidity is established by the decision of the courts, the claims that are granted in the patent must be recognized and not infringed.

For What a Patent is Granted.

A patent is granted for any new or useful art, machine, manufacture or composition of matter, or any new or useful improvement thereof.

To entitle a person to obtain a patent, he must prove himself to be the inventor or originator of that for which he seeks the protection of a patent. This matter is laid down in the patent laws as follows:

"A patent is granted any person, alien or citizen, who has invented or discovered any new and useful art or machinery, manufacture or composition of matter, or any new or useful improvement thereof, not known or used by others in this country and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale more than two years prior to his application, unless the same is proven to have been abandoned—such person may, upon payment of fees required by law and other due proceedings had, obtain a patent therefor."—Sec. 4886, R. S.

The only presumption why patents have been granted for certain methods in operative dentistry is because the

Commissioners of Patents have not access to the data of what has already been accomplished in the dental profession, and consequently grant the patent petitioned for, if no previously issued patent interferes, and no one interposes an objection; or if the patentee has not surrendered his right by abandonment of his invention to the public, by allowing it to be in public use or on sale for more than two years before applying for a patent.

The invention, besides being new, must be useful, *i. e.*, it must be capable of being used, which implies that it has been brought to that state of perfection or completeness, that, if fully and correctly described in the specifications, those skilled in the art may, from the information thus given, without experiment or invention of their own, be able to practice the invention.

In dentistry, many diverse conditions are presented for treatment by the dentist. In certain cases, one method of operation would be applicable, while in others, it must be altered or improved or changed in some of its details, that it may be practically employed. As a case in point, a tooth-crown may be instanced. It is the experience of many practitioners and the author's own observation, that certain forms of tooth-crowns are adaptable to but a limited class of cases. The methods of applying the crown must be improved and altered before it can be adapted to other classes of cases.

This necessarily involves invention on the part of the dentist. Hence it is but reasonable to suppose that the patentee can claim but that portion of his invention which is adapted to the limited class of cases, and not that covered by the dentist's invention.

When a patent is issued for a method of dental operation, in view of the above circumstances, the specifications should precisely define the class of cases for which it is applicable. There is abundance of proof to show that some of the claims granted in tooth-crown and bridge patents are too broad, and would not be allowed if their legality were questioned.

The proof that a claim is too broad, and covers more than the original patent should allow, is a powerful defense for infringement of a patent.

A claim serves to define not only the limits, but the class of the patented invention claimed by the inventor as his exclusive patent, and great care is requisite to frame it so that it covers the whole invention, but not more than really belongs to the inventor.

First Invention.

It is a settled principle of law that whosoever perfects an invention first, is entitled to a patent, and is the real inventor, although others may have previously had the idea and made some experiments towards putting it in practice. He is the real inventor and is entitled to the patent, who first brought the invention to a state of perfection and made it capable of useful operation. On this point, in the case of Pitts *v.* Hall (2 Blatchf., 229), Judge Nelson said:

"Now, there is no doubt that a person, to be entitled to the character of an inventor, within the meaning of the Act of Congress, must himself have conceived the idea embodied in his improvement. It must be the product of his own mind and genius and not of another."

Others may have had similar ideas and experimented upon them. However, the person who first perfected the idea and made it capable of practical use, is the inventor, and entitled to a patent.

This rule, says Henry Hawson, is not to be understood as meaning that as between two independent inventors, claiming the same thing, the right necessarily belongs to the one who may have first reduced the invention to practice. On the contrary, although a patentable invention within the meaning of the law is one perfected and adapted to actual use, the right of a party who has produced such an invention is referred to the time of his conception of the invention, provided he has perfected it and adapted to actual use with reasonable diligence.

Mere suggestions, even if they point towards a result, are not sufficient to entitle one making them to be considered

the inventor. In order that he may claim the benefit of what another does, the suggestion must leave nothing for the mechanic to do, but to work out what has been suggested.

Combinations may be made of parts entirely new or entirely old, or part new and part old, but if the parts when brought together so co-act as to produce a new and beneficial result, the party so bringing them together has made an invention and is entitled, if he make claim thereto, to a patent therefor. If new elements are added to an imperfect combination, and if by the addition of such new elements, the combination is made perfect and operative, the person who adds such elements is entitled to claim the new combination. (Hall *v.* Johnson, Commissioners' Decision (Marble), May 2nd, 1883.)

What Constitutes Invention?

To constitute invention there must have been more than the mere idea of obtaining a certain result; the conception must be substantially the means or method involved; and the invention must be so far clear and matured, that the inventor is prepared to give explanation sufficing to enable one skilled in the art to carry out the invention.

An imperfect and incomplete invention, theoretical or experimental in its scope, is unpatentable, yet the discovery of something new, by intellectual thought or experimentation, is the basis of such right, which is rendered practical by the perfection of the invention.

Although a second inventor has perfected the same invention and reduced it to a positive practical form, however he who invents first will have the prior right. But, if he conceives an idea, and does not use reasonable diligence in adapting or perfecting the invention, and another in the meantime conceives the idea, but also perfects the invention and practically adapts it to actual use, the latter is to be considered the first and original inventor, and a patent granted to the former will be void, as he is not the first and original inventor. (Reed *v.* Cutter, 1 Story, 599; Agawam Co. *v.* Jordan, 7 Wallace, 583; Cox *v.* Griggs, 2 Fisher, 174; Ransom *v.* Mayor, 1 Fisher, 252; H. & C. Howson, on Patents, 26.)

By perfecting an invention, the law means not that the inventor has so far perfected his invention that there could not be any subsequent improvement, but that it is so far complete as to be of practical utility. The possession of a patent is no evidence that the holder thereof is thereby entitled, legally, to the benefits of the law. If rebuttal evidence can be given to prove that the thing shown and described in the patent is impractical, or that before the invention or discovery of it by the patentee, it was known or used by others in this country, or patented or published here or abroad, as it is especially specified in Sec. 4920, R. S., that the defense may be made to an action for infringement, that the patentee was not the original and first inventor or discoverer of any substantial and material part of the thing patented; and to disprove the assumption that a patentee was the first to produce and confer upon the public the benefit of some new and useful thing described and claimed in his patent, it must appear that prior to his invention or discovery, knowledge of the same or substantially the same thing existed among other members of the public.

The design of the patent laws is to reward those who make some substantial discovery or invention, which adds to our knowledge and makes a step in advance in the useful arts. It was never their object to grant a patent for every trifling device, every shade of an idea, which would naturally and spontaneously occur to any skilled mechanic in the ordinary progress of manufactures. (Supreme Court, March 5th, 1883. Bradley. The Atlantic Works *v.* Brady; National Manufacturing Co., *et al v.* Meyers, Southern District, Ohio, U. S. Circuit Court.)

The substitution of material does not involve invention. Invention is an essential prerequisite to a patent; while it is not always easy to distinguish the exact point where the ordinary mechanical skill gives place to invention, yet there are a multitude of devices and articles of manufacture so far removed from this doubtful point as to leave the mind in no uncertainty as to whether the inventive faculty has been exercised or not. One may often say positively that there

is no invention, even though nothing like the thing in question, in its entirety, was ever before made. Novelty, in this sense, does not necessarily presuppose invention, where in a tooth-crown, or other device, one well-known material is substituted for another in its construction, and it is adapted by a well-known process and attached by another well-known method in common use. The inventor would produce substantially no improvement except that resulting from the mere substitution of material and devices, which is not patentable. The law certainly never contemplated giving a separate patent upon every possible form or use to which tooth-crowns could be adapted.

The one first to invent a new and useful device is entitled to the protection of a patent, even if its production was accidental, and not appreciated at the time. (Garrett *v.* Siebert. Interference decided October 21st, 1872.)

In accordance with the principle of the law which requires of the inventor, in the interest of the public, reasonable diligence, not only in perfecting, but in publishing his invention, it is provided that all applications for patents shall be completed and prepared for examination within two years after the filing of the application; and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to applicant, they shall be regarded as abandoned to the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.—Sec. 4894, R. S.

In connection with this section, should be considered the proviso of sec. 35, Act of July 8th, 1870, "that when an application for a patent has been rejected or withdrawn prior to the passage of this Act, the applicant shall have six months from the date of such passage to renew his application or file a new one, and if he omits to do either, his application shall have been held to be abandoned, and upon the hearing of such application, abandonment shall be considered as a question of fact."

If a rejected and abandoned application is not evidence

of a prior and abandoned invention, as against another party, it cannot be so as against the applicant himself, unless the statute by express word makes it so. But the word "abandonment" in the section in question is used in connection only with the word "application," and the sections being in the nature of penal statutes, are to be strictly construed. In accordance with this reasoning, sec. 4894, R. S., is to be understood as meaning that failure to complete an application or to prosecute it after rejection, within two years, will work an abandonment of *that* application, while under sec. 35, all applications rejected or withdrawn prior to July 8th, 1870, and not renewed within six months, are abandoned. In any of such cases, a *new* application may be filed at any time, but it will not be treated as a continuation of the old application; that, having been abandoned, is a nullity, and has no more relation to or bearing upon the new application of the same party or the patent that may be granted thereon, than it would have upon the application or patent of an independent inventor.

Infringement.

An infringement of a patent is the making, using or vending of a patented article without the patentee's express or implied consent. "The unauthorized use of a patented invention is an infringement, no matter what else the user may add to it" (Johnson *v.* Root, 1 Fisher, 351; Buerk *v.* Valentine, 2 O. G., 295), even though the object or result to be secured is thereby better accomplished (Imlay *v.* Norwich and Worcester R. R. Co., 1 Fisher, 340). And a device which performs all the functions of one that is patented, substantially in the same way and by substantially the same means, is none the less an equivalent to those described in the patent, because it performs some of those functions better or performs others in addition. (Wheeler *v.* Clifford Mower and Reaper Co., 2 O. G., 442). "The patentee of an improvement upon a patented invention cannot take possession of the latter; he must obtain the license of the prior patentee to use his improvement, or await the expiration of the elder pat-

ent." (Colt *v.* Moss Arms Co., 1 Fisher, 108; Howson, on U. S. Patents, 128).

The addition of certain elements to a patented construction, which does not unfit it from performing its original result, but simply adds the result due to the new elements, does not avoid infringement.

A mere change of material, or of a form, or structure of a device, are not patentable. That is, such changes as are not attended with any new or improved results, or do not involve a new mode of operation. The change may be an improvement in one sense of the word—in the sense that a mere substitution of metal for wood may be, *i. e.*, in excellence of construction—but there must be something more in order to constitute patentable invention.

It is not necessary that two devices be exactly similar to constitute infringement. If they have the same mode of operation, and if they effect substantially the same result in substantially the same manner, one will be an anticipation of an infringement of a patent for the other, according as it is later or earlier in construction. It matters not, if one gives a more perfect result than the other, if the same means and mode of operation are employed.

When in a suit for infringement it is set up as a defense, that complainant derived his idea of the patented invention from some third party, who first conceived it, the burden of proof is on the defendant, and a doubt respecting the evidence is fatal to the defense. (Duffy *v.* Reynolds *et al*, Circt. Ct. N. J., November 3d, 1885.)

When from the evidence it appears that the defendant is simply pursuing the same process of manufacturing, which he followed before the patent in question was issued, the court will not restrain him from continuing to use the same means. (Dorlan *v.* Gine, U. S. Circt. Ct., Eastern Dist. Penna., U. S. Pat. Repts., February 9th, 1886, 702.)

The employment of mechanical advice to construct a device in accordance with ideas furnished by another, gives no right to the invention. The entire merit is in him whose inventive suggestiveness conceived the invention.

The use or knowledge of the use of an invention in a foreign country by a person residing in this country (U. S. A.), will not defeat a patent which has been granted to a *bona fide* patentee, who at the time was ignorant of the invention or of its use abroad. (Doyle *v.* Spaulding *et al*, Illingsworth *v.* same, U. S. Circuit Ct., District N. J., Patent Repts., April 15th, 1884, p. 300.)

Where it is shown that the patentee's title is clear beyond reasonable doubt, and infringement is admitted or evident, the courts in equity may grant a preliminary injunction upon motion, after the filing of the bill of complaint and reasonable notice given of the application to defendant.

Where all the parts claimed, with one exception, were old and had been used in a similar combination in other things of the same general character, the defendant, not using the excepted part, escapes infringement. (Brag *et al* *v.* Fitch, *et al*, Supreme Ct. U. S. A., Official Pat. Rep. Gazette, May 2nd, 1871, 829.)

The application of an old process or device to a similar or analagous subject with no change in the manner of applying it, and no result substantially distinct in its nature, will not sustain a patent, even if the new form of result has not before been contemplated. (Penna. R. R. Co. *v.* The Locomotive Engine Safety Truck Co., Supreme Ct., U. S. Com. Repts., April 8th, 1884, p. 206.)

When a patent in suit is the first in its particular field of invention, its claim is infringed by a combination which employs well-known mechanical equivalents to accomplish the results which follow from the combination claimed in the patent. (Tarrant *v.* Duluth Lumber Co., U. S. Dist. Ct. Minnesota, U. S. Pat. Repts., June 21st, 1887, p. 1425.)

In the case of Tarr *et al v.* Webb (U. S. Circt. Ct., East Dis., N. Y., July 20th, 1872), it was decided that "a monopoly of the use of a well-known substance in a particular, but well-known form, cannot be secured."

Patents are infringed by the substitution of chemical as well as mechanical equivalents, even if, in some respects, they are an improvement upon the original processes patented.

(Woodward *v.* Morrison *et al* in equity, U. S. Circt. Ct., Dist. Mass., March, 22nd, 1872.)

Where there is a different mode of operation produced and an improved result accomplished by the substitution of one old device for another, a patent may be granted.

And where the construction of a device is different from that of preceding ones, and better results are obtained, its novelty and utility is established.

Actions-at-Law for Infringement.

Remedy for infringement may be obtained by two legal modes of procedure, *viz.:* action-at-law or suit in equity.

All such actions, suits and controversies arising under the Patent Laws of the United States may be contested in the Circuit Court of the United States or any District Court having the power or jurisdiction of a Circuit Court, or by the Supreme Court of the District of Columbia, or of any territory.

The court to be resorted to in bringing an action for infringement, must be that of a district in which the plaintiff interested in the patent and the alleged infringer reside.

Sec. 4919, R. S., serves to define the question as to who can sue for infringement, as follows: "Action on the case for damages must be in the name of the party interested, either as patentee, assignee, or grantee," *i. e.*, the suit is brought by the person having the legal title to the patent within the judicial district in which the suit is brought, at the time the infringement may have been committed. (Moore *v.* Marsh, 7 Wallace, 515.)

The damages recoverable for infringement of a patent is laid down in Sec. 4919, R. S., of the Patent Laws of U. S. A., as follows: "Damages for infringement of any patent may be recovered by action on the case, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount by the verdict, as the actual damages sustained, according to the circumstances of the case, not ex-

ceeding three times the amount of such verdict, together with the costs."

The verdict for damages, no matter how large, is not a complete remedy for past infringements, unless accompanied by a restraint in the future. As it is not within the power of a court of law to issue an injunction, such remedy must be obtained in a court of equity. This is provided for in the patent laws, that any one of the courts above named "shall have the power (upon bill in equity by any party aggrieved) to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable."—Sec. 4921, R. S.

In the Act of 1870, it is provided that upon decree being rendered in any such case in equity for an infringement, the plaintiff shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same, or cause the same to be assessed under its direction; and the court shall have the same powers to increase the damages found by verdicts in actions upon the case.—Sec. 4921, R. S.

The damages recovered in a suit for infringement are merely a satisfaction for prior use and do not free the party infringing from the operation of a patent.

The use of an invention covered by a patent may constitute an infringement, and a party so using an invention after an injunction granted, will be adjudged guilty of contempt. (Matthews *v.* Spangenberg, U. S. Circuit Court, Southern District, N. Y.; U. S. Pat. Rep., April 24th, 1883, 1,624.)

In an action for infringement, the defendant may plead the general issue, and show that he has not infringed the patent, either by showing that the thing made, used or sold by him, and claimed to be similar to that covered by a patent, is not so in fact, or that he had a license under the patent, from the plaintiff, or that the plaintiff has no good title, or that the patent is void because of an ambiguous or unintelligent specification, or that the invention, admitting its novelty, is

not a patentable subject. (H. and C. Howson, on U. S. Patents, 135.)

Under the general issue, the defendant may have recourse to other defenses, but not without notice in writing to the plaintiff or his attorney, giving thirty days before trial.—Sec. 4920, R. S.

The defenses alluded to in the notice are as follows:

First. That for the purpose of deceiving the public, the description and specification filed by the patentee in the Patent Office was made to contain less than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect.

Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same.

Third. That it had been patented or described in some printed publication prior to his supposed invention or discovery thereof.

Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented.

Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

Notice of the second, third or fourth of these special defenses must state the names of patentees and the dates of their patents, and, when granted, the names and residences of persons alleged to have invented or to have had prior knowledge of the thing patented, and where and by whom it had been used.—H. and C. Howson, p. 136.

F.—DENTAL PROTECTIVE ASSOCIATION OF THE UNITED STATES OF AMERICA.

The dentists in the United States have an Association, termed the "Dental Protective Association of the United States," to protect themselves from the unjust demands of inventors, and to contest, in a lawful manner, the validity of

certain patents owned by various companies and individuals, when such validity has not been established.

In Milwaukee, six suits were pending for infringement of the Low bridge patent, owned by the International Tooth-Crown Co. These suits were discontinued by the plaintiffs. Similar suits have been brought against dentists in Baltimore, New York State, Connecticut, New Jersey, etc. A number of them were decided in favor of the plaintiffs, the defendants being ordered to render an accounting and pay costs.

Many of these cases were contested in behalf of the defendants by the Protective Association. It is not the purpose to laud this Association, but it certainly is deserving of credit for its worthy object in protecting dentists from pecuniary extortion.

In reference to this Association, one important legal proposition remains a question of doubt for interpretation, *viz.:* "Whether or not any dentist in the United States, who has taken a license from the International Tooth-Crown Co., under their various letters patent, and signed certain written covenants and conditions contained in such licenses, is at liberty, after the expiration of such license, to contest either the scope or validity of any of the International Tooth-Crown Company's patents recited in that license, or deny that the bridge-work made or put in by such individual dentist infringes such letters patent, granted James E. Low, dated March 18th, 1881, No. 238,940?"

This question is doubtful, as no legal decisions have been rendered in dental cases of this nature; however, the following favorable decision on this point may be quoted:

In White *et al v.* Lee (U. S. Circuit Court, District Mass., U. S. Pat. Reps., April 24th, 1883, 1623), it was decided that a "licensee is at liberty to contest the question whether the articles made by him embody the invention or any material part of it, and a stipulation to the contrary in the contract is of no effect."

Again, in a suit by a patentee against a licensee for license-fees for the use of a patented improvement, something

corresponding to an eviction of the licensee must be pleaded and proven, if he would defend against an action for royalties. Judge Lowell, in his opinion, said: "One of the defendant's agreements was, that he will not, in any way, contest the validity of said patents, or either of them, or any reissue or renewal thereof, nor the sufficiency of the specifications or the validity of the licensor's title, nor the fact of his infringement in the manufacture and sale of said shoes. One of the mutual stipulations was that in case of the reissue of said patent, the grant herein shall be good under said issue, and the foregoing stipulations and agreements on the part of the respective parties shall be binding upon them in the same manner and to the same extent as though such reissue had never been obtained." He further said, "I intimated on a former occasion that the stipulation not to contest the fact of infringement was insensible and repugnant, inasmuch as the agreement is only to pay for such shoes as embody the invention, or some material part thereof, and both counsel agree that the question of infringement or what would be infringement in a patent case is open." The question has been argued whether the defendant can resist an action for license-fees under a contract, by proving that the patent is void. In his very thorough brief, the defendant cites all the important cases; and they, in a cursory examination, seem to present a difference of opinion, which, on a more careful study, will be found to disappear. Many of the decisions treat a licensor as a landlord and a licensee as his tenant, who cannot dispute the title so long as he has occupancy of the premises. Many of the cases, such as Bowman *v.* Taylor, 2 Adol. & E., 278; Smith *v.* Scott, 6 C. B., N. S., 771; Wilder *v.* Adams, 2 Wood & M., 329, are actions-at-law, and turn upon the effect of a recital or covenant in a sealed instrument. The agreement in this case is not under seal, and this is not an action-at-law. Other cases state the general doctrine in a somewhat absolute and general way, hardly admitting exceptions. (Crossley *v.* Dixon, 10 H. L. Cas., 293; Clark *v.* Adie, 2 App. Cas., 423.) On the other hand, there are cases in the United States, which seem to hold that the invalidity

of the patent may always be proven, such as Harlow *v.* Putnam, 124 Mass., 553. But these were cases on either side, which required no nice distinctions. The law is, I think, that a plea or answer that a patent is void, is not of itself a sufficient defense, but that evidence of what may be called an eviction in such a defense. The difficulty is to ascertain what amounts to an eviction in a patent case. It is easily discovered whether a tenant of a certain parcel of land has or has not been evicted, but if a patent is void, still the license may have all the benefit of a valid patent, because his exclusive title may never have been disputed. In Lawes *v.* Purser, 6 El. & Bl., 930, 932, the counsel for the plaintiff admitted that if every one had publicly used the patented invention, that might be equivalent to an eviction, but contended that a simple plea that the patent was void, might mean merely that the pleader, when he began to draw his plea, had discovered a technical flaw which no one else had thought of, and the judgment pursued this exact line of reasoning. In a case, in Massachusetts, the defendants, who were licensees and had used the patent to keep off competition, were said by Judge Thomas to have had all the benefits of a valid patent. (Bartlett *v.* Holbrook, 1 Gray, 114). In New York, in a case which was twice brought before the Court of Appeals, it was held, first, that mere invalidity of the patent was not a defense, and second, that a repeal of a patent was a defense (Marston *v.* Swett, 66 N. Y., 206; S. C. N. Y., 562). These cases point to the true distinction, however difficult its application may sometimes be, that something corresponding to eviction must be proven, if a licensee would defend against an action for royalties.

APPENDIX.

DENTAL LEGISLATION.

HISTORY OF DENTAL LEGISLATION.

Dentistry, until within recent years, was not accorded the recognition of a scientific profession; for a long time it was practiced by persons engaged in other pursuits, as a superadded means of livelihood. Barbers, blacksmiths, watchmakers, and others of the same class, who had no professional education or qualifications whatever, performed the one operation, tooth extraction, which constituted the surgical dentistry in those days, with nearly the same success as the regular practitioner. In explanation, it may be stated that the accepted theory of the people then was, that a tooth should be extracted as soon as it ached or was attacked by caries; and as the operation had no attractions for the medical men, it was relegated to the charlatans, who, in order to gain a surgical status, did not hesitate to claim that their specialty entitled those performing these operations to the designation of SURGEON-dentists, which title has ever since been applied without discrimination alike to qualified and unqualified practitioners of dentistry.

An Act entitled, "For Barbers and Surgeons," passed in the thirty-second year of Henry VIII, is the first statutory law pertaining to the practice of dentistry enacted in England. By the third section of this Act, any one who "uses barbery or shaving" in the city of London, its suburbs, and within a circuit of one mile, is forbidden "occupying any surgery, letting of blood, or any other thing belonging to surgery, drawing of teeth only excepted."

In 1840, the regular practitioners endeavored to change the existing status of dentistry, by securing recognition

under the new Medical Act of 1843, which was then being introduced by Sir James Graham. The medical profession objected to such measures, on the grounds that they did not desire the dentists to appear as on equal footing with themselves.

The dental profession at this time, says Dr. James Smith (Encyclopædia Britannica), may be said to have divided itself into three sections: First, those who desired to see all the dentists fully qualified surgeons; second, those who wished them to have only a certain amount of surgical knowledge, and in this way to be subordinate to fully qualified practitioners; and, third, those who advocated dentists being altogether disassociated from surgeons, and having a college and diploma of their own.

The tendency of desiring to be recognized as a specialty of medicine, or as a kind of surgeon, again seemed rife among dentists of that period, as the idea of the dental college and diploma was abandoned for the prospect of being attached in some way or other to the Royal College of Surgeons of England. Many difficulties existed, however, which at first precluded the consummation of this arrangement.

The full medical or surgical education, which was deemed desirable, in addition to the mechanical acquirements which dentistry required, would have entailed a protracted period of education, such as few would desire to undertake. These representations were set aside in 1858, when the necessity for some improved system of dental education was more fully recognized; and "power was given Queen Victoria to grant a charter to the Royal College of Surgeons of England, authorizing that body to institute and hold examinations, for the purpose of testing the fitness of persons to practice as dentists, and to award certificates of such fitness." (21 and 22 Vict., c. 90, s. 48—Daniel Nason.)

The year following, the charter was granted. This did not entitle them to register as regularly qualified practitioners, though to a certain extent they received a statutory status; and though they might recover their reasonable charges for work, labor done and materials supplied, they

could not recover such charges, because of their holding certificates from the Royal College of Surgeons.—Greenwood, Laws.

The title of "dentist" was not protected, nor was the practice of dentistry restricted solely to persons holding certificates from the Royal College of Surgeons of England, as the Act itself expressly declared that nothing therein contained should be construed to prejudice or affect in any manner the lawful occupation, trade or business of dentistry.

The law remained unchanged until the Dentists' Act was passed in 1878.

This amendment of the law relating to dentists practicing in the United Kingdoms, provided, that, from and after the first of April, 1879, no one, under a penalty not exceeding £200, on conviction, excepting those who are legally qualified medical practitioners, shall take or use the name or title of dentist, either alone or in combination with any other word or words, or of dental practitioner, or any name, title, addition or description, implying that he is registered under this Act, or that he is a person specially qualified to practice dentistry, unless he is so registered, and further, unless so registered, or unless a legally qualified medical practitioner, no one can recover any fee or charge in any court for the performance of any dental operation, or for any dental attendance or advice. Any one is entitled to register under the Dentists' Act, who is a licentiate in dental surgery, or dentistry, of any of the medical authorities, or who is entitled to registration as a foreign or colonial dentist; or who was *bona fide* engaged in the practice of dentistry either alone or in conjunction with the practice of medicine, surgery, or pharmacy on or before July 22nd, 1878.—Daniel Nason.

The earlier existence of dentistry in America presented an aspect exactly similar to its foundation in England—it was but the beginning of a science, the rudiments of which were unknown. Each practitioner had his own methods, as there were then no recognized systems of practice. Dentistry was then practiced as a secret art, and its disciples evidenced great exclusiveness, and carefully hid from each other

the methods by which they attained, or thought they attained, any superiority. Thus it came that the great majority of early practitioners were empiric, and, though it was the desire of the regular practitioners to prohibit this empiricism, there were many objections to any application for prohibitory legislation. Chief among them, the fact that they would be compelled to divulge their secret modes of practice, and thus give their professional brethren, perchance, the opportunity of adopting them and becoming as skillful as themselves.

At that time, dentists of ability and merit easily commanded all the practice they could attend, and consequently contented themselves with railing at such dental operators as were, or as they conceived to be, below them in scientific or practical status, being well aware that they were secure in the position they had gained in public estimation, and caring little for aught else. There was another fact which also operated strongly against any movement of the better class of dentists towards legislative protection against empiricism. This was, that the majority of persons practicing dentistry in this country was, in those times, composed of the very class against which any such enactment would, perforce, have been aimed. This class, although certainly not influential in individuality, was yet so as a whole, and could not be ignored—and might possibly not have been overcome—in any contest such as would surely have arisen on the question of dental legislation.—History of Dental and Oral Sciences in America.

Alabama, almost the poorest in skilled dentists, att he time, of any state in the Union, was the first state in America to pass a dental enactment, and, indeed, it was the first legislation covering the dental profession. The effect of this enactment was probably more to suppress irregular practitioners than to elevate the standard of professional acquirements in dentistry. The latter, in fact, has proved an exceedingly difficult operation, through legislative action in later days and with the most approved form of law, and great success in this direction cannot be expected of so crude a statute, and in times such as were those in which it was passed.

After 1840, dentistry was blessed with a period of progress, and generally accorded a scientific standing, such as it had never before known. The graduates of dental colleges multiplied, and were better qualified than formerly. This condition of dentistry continued for a period of about twenty-five years, when the dentists realized that self-government in dentistry appeared to have, at that time, fulfilled its possibilities, and the profession cast about for some new and better method of government to replace it. With this end in view, they resorted to the original method put in operation by Alabama twenty-five years previous.

Several states, notably Kentucky, Pennsylvania, and New York, attempted to procure legislative action in dentistry about 1860–68. Kentucky failed at first, but subsequently obtained an enactment in 1868. New York was the first, after Alabama, to procure a special legislative enactment relative to dentistry. At the present time, nearly every state in the Union has some form of protective dental legislation, the requirements in most cases being that the dentist must possess a diploma from a reputable and recognized dental college, or pass the examination of the State Board of Examiners, as required by the special enactments of the states; the failure to comply with these requirements is punished by a fine, imprisonment, or both.

THE STATUTES REGULATING THE PRACTICE OF DENTISTRY IN THE UNITED STATES, ENGLAND, CANADA, ITALY, FRANCE, GERMANY, SPAIN, RUSSIA, ETC.

ALABAMA.

An Act Regulating the Practice of Dental Surgery, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first Monday in December next, it shall be the duty of each of the medical boards of this State to examine and license applicants to practice dental surgery, under the same rules and regulations, and subject to the same restrictions as those who apply for license to practice medicine; and, in order more fully to carry this Act into effect, it shall be the duty of each of the medical boards, where the same is practicable, to add to their body, by election, a professional dentist having the requisite qualifications, which dentist so added shall constitute a part of the board.

SEC. 2. That if any person styling himself as dentist, or other person, shall engage in the practice of dental surgery as a professional business, after the aforesaid first Monday in December next, without having been regularly licensed so to do by one of the Medical Boards of this State, as hereinbefore provided for, for every such offense shall forfeit and pay a sum not exceeding fifty dollars, recoverable before any court having jurisdiction of the same, one-half to the informer, the other half to the county where suit is brought.

SEC. 3. That all bonds, notes, or promissory obligations, or assumpsits, made to any person or persons not authorized as provided for in this Act, the consideration of which shall be for services rendered as a professional dentist, or in the line of professional dentistry, shall be utterly void and of no effect; *provided*, the provisions of this Act shall not be so construed as to prevent persons from practicing dental surgery, who have a license to practice surgery and medicine

from either of the Medical Boards of this State, or diploma from any regularly constituted institution in the United States.

SEC. 4. That hereafter it shall be the duty of all practicing physicians, surgeons, and dentists, to have their licenses recorded in the office of the Clerk of the County Court in which they may reside, and the certificate of the clerk shall be considered as good evidence in any court of the right of any individual having a diploma or license to practice his profession, and recover his debts for the same.

SEC. 5. That all laws, and parts of laws, contravening the provisions of this Act, be and the same are hereby repealed.

Approved December 31st, 1841.

This Act continued upon the statute book until 1881, when a new Act was passed by the Legislature. The following is the text of the amendment:

An Act to Regulate the Practice of Dentistry in the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the State of Alabama, unless said person has obtained license from a Board of Dental Examiners, duly authorized and appointed by this Act to issue such license; *provided*, that dentists who have been in the regular practice of dentistry for five years next preceding the passage of this Act, shall not be required to submit to an examination, and shall be entitled to license without fee, which shall be transmitted to him, by mail or otherwise, upon his application, accompanied by an affidavit to the fact of his having been in the regular practice for the required time.

SEC. 2. That the Board of Dental Examiners shall consist of five (5) dental graduates, or practitioners of dentistry, who have obtained a license to practice dentistry from a Medical Board in this State, or from a Dental Board organized under this Act, and who are members in good standing of

the Alabama Dental Association; *provided*, that said graduates, or practitioners, have been praticing dentistry in the State of Alabama for a period not less than three (3) years; *and provided further*, that the first Board of Examiners under this Act shall consist of the present Executive Committee of the Alabama Dental Association, who shall hold office until the next annual meeting of the said association, and until their successors are elected and qualified, as hereinafter provided.

Sec. 3. That it shall be the duty of the said Alabama Dental Association, at its annual meeting next after the passage of this Act, and every two years thereafter, to elect said Board of Examiners, who shall hold office for the term of two (2) years, and until their successors are elected and qualified. The President of said Association shall have power to fill all vacancies in said board for unexpired terms.

Sec. 4. That it shall be the duty of said Board of Examiners, First, To meet annually at the time and place of meeting of the Alabama Dental Association, or oftener, at the call of any three of the members of said board. Thirty days' notice must be given of the time and place of meeting of said board, said notice to be mailed to all practicing dentists in the State. Secondly, To prescribe a course of reading for those who study dentistry under private instruction. Thirdly, To grant a license to any applicant who shall furnish satisfactory evidence of having graduated and received a diploma from any incorporated dental college, or who has heretofore received a license from a medical board in this State, without examination or fee. Fourthly, To grant licenses to all other applicants who undergo a satisfactory examination, who shall pay to the said board a fee of five dollars for said license. Fifthly, To keep a book in which shall be registered the names of all persons licensed to practice dentistry in this State.

Sec. 5. That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal of said board, shall be evidence in any court of this State.

SEC. 6. That three members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for its meeting, those present may adjourn, from day to day, until a quorum is present.

SEC. 7. That one member of said board may grant a license for an applicant to practice until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire, but such temporary license shall not be granted by a member of the board after the board has rejected the applicant.

SEC. 8. That any person who shall, in violation of this Act, practice dentistry in this State for a fee or reward, shall be liable to indictment, and, on conviction, shall be fined not less than fifty, nor more than three hundred dollars; *provided*, that nothing in this Act shall be construed to prevent persons from extracting teeth.

SEC. 9. That on the trial of such indictment, it shall be incumbent upon the defendant, to exempt himself from the penalties of this Act, to show that he has authority, under the law, to practice dentistry in this State.

SEC. 10. That every person to whom license is issued by said Board of Examiners shall, within thirty days from the date thereof, present the same to the Judge of the Probate Court of the county in which he resides, who shall officially endorse said license and seal it with the seal of the court, and who shall record said license in a proper book in his office, and who shall be entitled to receive a fee of one (1) dollar for his services, but a temporary license issued under section 7, of this Act, need not be sealed or recorded.

SEC. 11. That it shall be the duty of the solicitors of this State to prosecute all persons violating all or any portion of this Act.

SEC. 12. That all laws, or parts of laws, in conflict with this Act, be and the same are hereby repealed.

Approved February 11th, 1881.

An Act to Regulate the Practice of Dentistry in the State of Alabama.

Section 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the State of Alabama, unless said person has obtained license from a Board of Dental Examiners duly authorized and appointed by this Act to issue such license; *provided*, that dentists who have been in the regular practice of dentistry for five years next preceding the passage of this Act, shall not be required to submit to an examination, and shall be entitled to license without fee, which shall be transmitted to him, by mail or otherwise, upon his application accompanied by an affidavit to the fact of his having been in the practice for the required time.

Sec. 2. That the Board of Dental Examiners shall consist of five (5) dental graduates, or practitioners of dentistry, who have obtained a license to practice dentistry from a Dental Board organized under this Act, and who are members in good standing of the Alabama Dental Association; *provided*, that said graduates or practitioners have been practicing dentistry in the State of Alabama for a period of not less than three (3) years.

Sec. 3. That it shall be the duty of said Alabama Dental Association, at its annual meeting in April, 1887, to elect said Board of Dental Examiners, whose terms of office shall be respectively five, four, three, two and one year, in the order in which they are elected; and at each annual meeting of said association thereafter, one member shall be elected to fill such vacancy, who shall serve for the period of five years. The President shall have the power to fill all vacancies in said board for the unexpired term.

Sec. 4. That it shall be the duty of said Board of Examiners, First, To meet annually at the time and place of meeting of the Alabama Dental Association, or oftener, at the call of any three members of the board. Thirty days' notice must

be given of the time and place of meeting of said board, said notice to be mailed to all practicing dentists in the State. Secondly, To prescribe a course of reading for those who study dentistry under private instruction. Thirdly, To grant license to all applicants who undergo a satisfactory examination, who shall pay to the said board a fee of five dollars for said license. Fourthly, To keep a book in which shall be registered the names of all persons licensed to practice dentistry in this State.

Sec. 5. That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal of said board, shall be evidence in any court of this State.

Sec. 6. That three members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for its meeting, those present may adjourn, from day to day, until a quorum is present.

Sec. 7. That one member of said board may grant a license for an application to practice until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire; but such temporary license shall not he granted by a member of the board after the board has rejected the applicant.

Sec. 8. That any person who shall, in violation of this Act, practice dentistry in this State, shall be liable to indictment, and, on conviction, shall be fined not less than fifty, nor more than three hundred dollars; *provided*, that nothing in this Act shall be construed to prevent persons from extracting teeth; *provided*, that nothing in this Act shall be so construed as to require any person who is now lawfully engaged in the practice of dentistry, to procure any additional license or to attend any meeting or meetings of the State Dental Association.

Sec. 9. That on the trial of such indictment, it shall be incumbent upon the defendant, to exempt himself from the

penalties of this Act, to show that he has authority under the law to practice dentistry in this State.

SEC. 10. That every person to whom license is issued by said Board of Examiners, shall, within thirty days from date thereof, present the same to the Judge of the Probate Court of the county in which he resides, who shall officially indorse said license and seal it with the seal of the court, and who shall record said license in a book in his office, and who shall be entitled to a fee of one (1) dollar for his services; but a temporary license, issued under section 7 of this Act, need not be sealed or recorded.

SEC. 11. That it shall be the duty of the solicitors of this State to prosecute all persons violating all or any portion of this Act.

SEC. 12. That all laws or parts of laws in conflict with this Act, be and the same are hereby repealed.

Amended and approved February 28th, 1887.

ARKANSAS.

An Act to Regulate the Practice of Dentistry, and Punish Violators thereof, in the State of Arkansas.

SECTION 1. *Be it enacted by the State of Arkansas*, That it shall be unlawful for any person to practice, or attempt to practice, dentistry or dental surgery in the State of Arkansas without first having received a certificate from the Board of Dental Examiners.

SEC. 2. A Board of Examiners, consisting of five practicing dentists, residents of this State, is hereby created, who shall have authority to issue certificates to persons in the practice of dentistry or dental surgery in this State at the time of the passage of this Act, and also to decide upon the validity of such diplomas as may be subsequently presented for registration, as hereinafter provided.

SEC. 3. The members of said board shall be appointed by the Governor, and shall serve for a term of four years, excepting that the members of the board first appointed shall hold their offices, as follows: Three, for two, and two for four years, respectively, and until their successors are duly appointed. In case of a vacancy occurring in said board, such vacancy shall be filled by appointment by the Governor.

SEC. 4. Said board shall keep a record, in which shall be registered the names and residences or places of business of all persons authorized under this Act to practice dentistry or dental surgery in this State. It shall elect one of its members President and one Secretary thereof, and it shall meet at least once in each year, and as much oftener, and at such times and places as it may deem necessary. A majority of the members of said board shall constitute a quorum, and the proceedings thereof shall be at all times open for public inspection.

SEC. 5. Every person engaged in the practice of dentisty or dental surgery within this State at the time of the passage of this Act, shall, within three months thereafter, cause his or her name and residence and place of business to be registered with said Board of Examiners; upon which said board shall issue to such person a certificate, duly signed by a majority of the members of said board, and which certificate shall entitle the person to whom it is issued to all the rights and privileges set forth in section 1 of this Act.

SEC. 6. To provide for the proper and effective enforcement of this Act, said Board of Examiners shall be entitled to the following fees, to wit: For each certificate issued to persons in practice in this State at the time of the passage of this Act, the sum of one dollar; for each certificate issued to persons not engaged in the practice of dentistry in this State at the time of the passage of this Act, the sum of five dollars.

SEC. 7. That members of said board shall each receive the compensation of two dollars and a half per day for each day actually engaged in the duties of their office, which, together with all other legitimate expenses incurred in the

performance of such duties, shall be paid from fees received by the board under the provisions of this Act; and no part of the expenses of said board shall at any time be paid out of the State Treasury. All moneys in excess of said *per diem* allowance and other expenses, shall be held by the Secretary of said board as a special fund for meeting the expenses of said board, he giving such bond as the board shall from time to time direct; and such board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in pursuance of this Act.

SEC. 8. Any person who shall violate this Act by practicing, or attempting to practice, dentistry within the State, without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars, said fines to be applied to the school fund of the district in which the offense is committed.

SEC. 9. This Act shall take effect and be in force from and after its publication.

Approved by the Governor on the 2nd of April, 1887.

CALIFORNIA.

The following is the text of "An Act to Insure the Better Education of Practitioners of Dental Surgery and to Regulate the Practice of Dentistry in the State of California."

SECTION 1. *The people of the State of California, represented in Senate and Assembly, do enact, as follows:* It shall be unlawful for any person, who is not at the time of the passage of this Act engaged in the practice of dentistry in this State, to commence such practice, unless he or she shall have obtained a certificate as hereinafter provided.

Sec. 2. A Board of Examiners, to consist of seven practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said board shall be appointed by the Governor from the dental profession of the State at large. The term for which the members of said board shall hold their offices shall be four years, except that two of the members of the board, first to be appointed under this Act, shall hold their office for the term of one year, two for the term of two years, two for the term of three years, and one for the term of four years, respectively, and until their successors shall be duly appointed and qualified. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor in conformity with this section.

Sec. 3. Said board shall choose one of its members President, and one the Secretary thereof, and it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection.

Sec. 4. Within six months from the time that this Act takes effect, it shall be the duty of every person who is now engaged in the practice of dentistry in this State, to cause his or her name and residence or place of business to be registered with said Board of Examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a Notary Public or Justice of the Peace, in such manner as may be prescribed by the Board of Examiners. Every person who shall so register with said board as a practitioner of dentistry, shall receive a certificate to that effect, and may continue to practice as such without incurring any of the liabilities or penalties provided in this Act, and shall pay to the Board of Examiners for such registration a fee of one dollar. It shall be the duty of the Board of Examiners to forward to the County Clerk of each county in the State a certified list of the names of all persons residing in his county, who have registered in accordance with the

provisions of this Act, and it shall be the duty of all County Clerks to register such names in a book kept for that purpose.

Sec. 5. Any and all persons who shall so desire may appear before said board at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery; and if the examination of any such person or persons shall prove satisfactory to said board, the Board of Examiners shall issue to such persons as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this Act. Said board shall also indorse, as satisfactory, diplomas from any reputable dental college, when satisfied of the character of such institution, upon the holder furnishing evidence satisfactory to the board of his or her right to the same, and shall issue certificates to that effect within ten days thereafter. All certificates issued by said board shall be signed by its officers, and such certificates shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of California.

Sec. 6. Any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined not less than fifty dollars, nor more than two hundred dollars, or be confined six months in the county jail for each and every offense. All fines recovered under this Act shall be paid into the common school fund of the county in which said conviction takes place.

Sec. 7. In order to provide the means for carrying out and maintaining the provisions of this Act, the said Board of Examiners shall charge each person applying to or appearing before them for examination for a certificate of qualifications a fee of ten dollars, which fee shall in no case be returned; and out of the funds coming into possession of the board from the fees so charged and penalties received under the provisions of this Act, all legitimate and necessary expenses incurred in attending the meetings of said board shall be paid, and no part of the expenses of the board shall ever be paid out of the State Treasury. All moneys received in excess of expenses above provided for shall be held by the Secretary of said board as a special fund for meeting the expenses of said

board and carrying out the provisions of this Act, he giving such bonds as the board shall from time to time direct. And said board shall make an annual report of its proceedings to the Governor by the first of December of each year, together with an account of all moneys received and disbursed by them pursuant to this Act.

SEC. 8. Any person who shall receive a certificate from said board to practice dentistry shall cause his or her certificate to be registered with the County Clerk of the county in which such person may reside, and the County Clerk shall charge for registering such certificate a fee of one dollar. Any failure, neglect, or refusal on the part of any person holding such certificate to register the same with the County Clerk, as above directed, for a period of six months, shall work a forfeiture of the certificate; and no certificate, when once forfeited, shall be restored, except upon the payment to the said Board of Examiners of the sum of twenty-five dollars as a penalty for such neglect, failure, or refusal.

SEC. 9. Any person who shall knowingly and falsely claim or pretend to have or hold a certificate of license, diploma, or degree granted by any society organized under and pursuant to the provisions of this Act, or who shall falsely and, with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section 6.

SEC. 10. Nothing in this Act shall be so construed as to prohibit any practicing physician from extracting teeth.

SEC. 11. This Act shall take effect immediately.

COLORADO.

Following is the text of the law recently passed entitled "An Act to Insure the Efficiency of Practitioners of Dental Surgery and to Regulate the Practice of Dentistry in the State of Colorado."

SECTION 1. *Be it enacted by the General Assembly of the State of Colorado,* No person shall practice dentistry in this

State until he or she shall have obtained a license for such purpose as hereinafter provided, but nothing in this Act shall be construed to prohibit any physician or surgeon from extracting teeth.

SEC. 2. A State Board of Dental Examiners shall be and is hereby created, whose duty it shall be to enforce and execute the provisions of this Act. The said board shall consist of five members, who shall be appointed by the Governor, by and with the advice and consent of the Senate. Each member of said board shall be appointed for the term of two years, and hold his office until his successor be duly appointed. Vacancies occurring in said board shall be filled by the Governor.

SEC. 3. Said board shall choose from its members a President, Secretary and Treasurer thereof, and shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. The first meeting of said board shall be held within sixty days after the time this Act will go into force and effect, at the Capitol of the State. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be opened to public inspection.

SEC. 4. Any person desirous of continuing the practice of dentistry within this State, shall appear in person before said board at the first or any subsequent meeting of said board, at such time and place as the board may designate, and submit to an examination by said board, to determine his or her ability to continue the practice of dentistry in this State; *provided, however*, that the Secretary of said board may, upon application of any such person, issue a permit to temporarily practice dentistry until the next meeting of the board, but not longer, unless the board at such meetings shall extend said temporary permit, and such person making application for examination by the board as aforesaid, shall deposit with the Secretary of said board, a fee of ten (10) dollars as compensation for making said examination. All persons who may be found qualified by said board, upon any such examination, to continue the practice of dentistry in

this State, shall receive from said board a certificate signed by the President and attested by the Secretary, under official seal of said board, authorizing the holder thereof to thereafter continue the practice of dentistry in this State.

SEC. 5. Any and all persons who so desire may appear before said board at any one of its meetings, and be examined with reference to their knowledge and skill in dental surgery, and, if the examination of any such person or persons shall prove satisfactory to said board, the Board of Examiners shall issue to such persons as they shall find, from such examinations, to possess the requisite qualifications, a license to practice dentistry in accordance with the provisions of this Act.

SEC. 6. Any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be liable to prosecution before any court of competent jurisdiction, and, upon conviction, may be punished by a fine in a sum not less than one hundred (100) dollars, nor more than five hundred (500) dollars, or by imprisonment from one to ninety days, or both, in the discretion of the court. Each day that this Act is violated, shall be considered a separate offense.

SEC. 7. Said board shall be authorized, out of the funds coming into its possession from the fees authorized by this Act, to pay to each member thereof, such compensation as the board may determine, and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid only from the fees received by the board under the provisions of this Act, and no part of the compensation or other expenses of the board shall ever be a charge against or paid out of the State Treasury. All moneys received in excess of said expenses shall be held by the Treasurer of said board as a special fund for the meeting of the expenses of said board, by giving such bond as the board shall from time to time direct. Said board shall make a biannual report of its proceedings to the Governor, by the fifteenth day of December of the year immediately preceding the next ensuing session of the Legislature, together with an

account of all moneys received and disbursed by them pursuant to this Act.

I hereby certify that I have compared this copy with the original and find it to be correct.

P. C. FRENCH,
Chief Enrolling Clerk.

The following constitute the Board of Examiners appointed by the Governor in pursuance of the provisions of the Act: J. N. Chipley, D.D.S., Pueblo; P. T. Smith, D.D.S., Denver; J. M. Porter, D.D.S., Denver; M. J. Norman, D.D.S., Denver; and Eugene Fowler, Colorado Springs.

CONNECTICUT.

An Act to Regulate the Practice of Dentistry in the State of Connecticut.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Connecticut, in General Assembly convened*, That it will be unlawful for any person who is not at the time of the passage of this Act engaged in the practice of dentistry in this State, to commence such practice, unless such person shall have received a diploma from the faculty of some dental school duly authorized by the laws of this or some foreign country, in which college there was delivered annually, at the time said diploma was granted, a full course of lectures and instructions on dentistry, or shall have had eighteen months' pupilage in a dental office; and in addition thereto shall have attended one full course of lectures in some such college as specified above, or in case of removal from another State or county, shall have received a certificate from some lawful Board of Dental Examiners or have had six years' regular dental practice; *provided*, that nothing in this Act shall interfere with physicians in discharge of their professional duties; *and further provided*, that this Act shall not apply to any student studying or practicing in the office of any dentist in this State.

SEC. 2. Any person who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars for each offense.

Approved by the Governor, the 4th of April, 1887.

DELAWARE.

The Delaware Dental Law, Passed at Dover, March 31st, 1885.

SECTION 1. *Be it enacted by the General Assembly of Delaware*, That it shall be unlawful for any person who is not, at the time of the passage of this Act, a recognized practitioner of dentistry in this State, and so recognized by the profession, to practice dentistry, unless he or she shall have obtained a certificate, as hereinafter provided, or shall hold a diploma from a reputable dental college, and so recognized by the board herein created.

SEC. 2. That a Board of Examiners, to consist of five reputable practicing dentists, is hereby created, whose duty it shall be to carry out the purposes, and enforce the provisions of this Act; the members of said board shall be appointed by the Governor, who shall select them from the dentists residing in the State. The term for which the members of said board shall hold their offices shall be four years, except that two members of the board, first to be appointed under this Act, shall be designated by the Governor to hold their offices for the term of two, and three, and four years, respectively, unless sooner removed by the Governor, and until their successors shall be duly appointed; in a case of vacancy occurring in such board, such vacancy shall be filled in like manner by the Governor.

SEC. 3. That said board shall choose one of its members President, and one Secretary thereof; it shall fix the time and place of its meeting or meetings; a majority of

said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection; the board shall also make an annual report of its proceedings to the Governor.

SEC. 4. That within six months from the time this Act takes effect, it shall be the duty of every person who is at that time engaged in the practice of dentistry in this State, to cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a book for that purpose; the statement of every such purpose shall be verified under oath before a Notary Public or Justice of the Peace, in such a manner as may be prescribed by the said Board of Examiners. Every person who shall so register with said board as a practitioner of dentistry, may continue to practice the same as such, and shall receive a certificate of such registration upon his or her paying the said board one dollar for such certificate.

SEC. 5. That any and all persons who shall desire to commence such practice, after the passage of this Act, shall appear before said board at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery, and, if the examination of any such person, or persons, shall prove satisfactory to said board, the Board of Examiners shall issue to such persons as they shall find to possess the requisite qualifications, a certificate to that effect, in accordance with the provisions of this Act, upon the payment of one dollar for such certificate; all certificates issued by said board shall be signed by its officers, and such certificates and diplomas, granted as aforesaid, shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of Delaware.

SEC. 6. That any person, who shall wilfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction thereof in any court having criminal jurisdiction, may be fined not less than fifty dollars, nor more than three hundred dollars, or be confined not more than six months in the county jail, in the discretion of the court; all fines received under this Act shall be

paid into the common school fund of the city or county in which such conviction takes place.

SEC. 7. That the Board of Examiners shall meet within thirty days after appointment, and frame By-Laws governing the board; and any person, or persons, desiring to be examined by the Board of Examiners for a certificate to practice dentistry in this State, shall give notice of such desire to the Secretary of said board, who shall notify the members thereof, and they shall, within fifteen (15) days from the receipt of such notice, meet to examine such person, or persons, and give him, her, or them, proper notice of such meeting.

SEC. 8. That this Act shall not apply to any one now practicing who is the owner of, and purchased, real estate in the State, previous to the passage of this Act.

SEC. 9. That this Act shall take effect from the date of its passage.

FLORIDA.

Following is the text of An Act to Amend an Act entitled "An Act to Provide for the Appointment of a Board of Examiners and to Regulate the Practice of Dentistry in the State of Florida, the same being Chapter 3711 of the Laws of Florida, approved June 7th, 1887."

SECTION. 1. *Be it enacted by the Legislature of the State of Florida*, That section three (3) of an Act entitled "An Act to provide for the appointment of a Board of Examiners and to regulate the practice of dentistry in the State of Florida, the same being Chapter 3711 of the Laws of Florida, approved June 7th, 1887," be amended so as to read as follows:

"SEC. 3. That it shall be the duty of this board, First, to meet annually at the call of three (3) members of said board; thirty (30) days' notice shall be given of the annual

meeting. Secondly, to grant certificates to all applicants who have obtained a diploma from a reputable dental college and who pass a satisfactory examination. Thirdly, to keep a book in which shall be registered the names of all persons licensed to practice dentistry in the State of Florida. Fourthly, for which examination and certificate the board shall be entitled to receive a fee of ten (10) dollars to defray the expenses of holding the meetings."

SEC. 2. All laws and parts of laws in conflict are hereby repealed.

SEC. 3. This Act shall take effect immediately upon the approval of the Governor.

Approved May 25th, 1891.

GEORGIA.

An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the State of Georgia.

SECTION 1. *Be it enacted by the General Assembly*, That from and after the passage of this Act it shall be unlawful for any person to engage in the practice of dentistry in the State of Georgia, unless said person has graduated and received a diploma from the faculty of a dental college chartered under the authority of some one of the United States or foreign governments, or shall have obtained a license from a Board of Dentists duly authorized and appointed by this Act to issue such license.

SEC. 2. That the Board of Examiners shall consist of five (5) dental graduates or practitioners of dentistry, who are members in good standing of the Georgia State Dental Society; *provided*, that said graduates or practitioners have been practicing in the State of Georgia for a term of not less than three (3) years. Said board shall be elected to serve for two years. The President of said Georgia State Dental Society

shall have power to fill all vacancies in said board for unexpired terms.

Sec. 3. That it shall be the duty of this board, First, to meet annually at the time of meeting of the Georgia State Dental Society, or oftener, at the call of any three of the members of said board; thirty days' notice must be given of the annual meetings. Secondly, to prescribe a course of reading for those who study dentistry under private instruction. Thirdly, to grant a license to any applicant who shall furnish satisfactory evidence of having graduated and received a diploma from any incorporated dental college, without fee, charge, or examination. Fourthly, to grant license to all other applicants who undergo a satisfactory examination. Fifthly, to keep a book in which shall be registered the names of all persons licensed to practice dentistry in the State of Georgia.

Sec. 4. That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal, shall be evidence in any court in the State.

Sec. 5. That three members of said board shall constitute a quorum for the transaction of business; and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day until a quorum is present.

Sec. 6. That one member of said board may grant a license to an applicant to practice until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire; but such temporary license shall not be granted by a member of the board after the board has rejected the applicant.

Sec. 7. That any person who shall, in violation of this Act, practice dentistry in the State of Georgia for a fee or reward, shall be liable to indictment, and, on conviction, shall be fined not less than fifty nor more than three hundred dollars; *provided*, that nothing in this Act shall be construed to prevent any person from extracting teeth; *and provided*

further, that none of the provisions of this Act shall apply to regularly licensed physicians and surgeons.

SEC. 8. That on trial of such indictment, it shall be incumbent on the defendant to show that he has authority, under the law, to practice dentistry, to exempt himself from such penalty.

SEC. 9. That one-half of all fines collected shall inure to the informer, and the other half to the educational fund of the county.

SEC. 10. That dentists who have been in practice prior to the passage of this Act are exempt from all provisions of the same.

SEC. 11. Repeals conflicting laws.

Approved August 24th, 1872.

An amendment was passed and approved October 9th, 1885, of which the following is the text:

GEORGIA AMENDMENT.

SECTION 1. *Be it enacted by the General Assembly*, That from and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the State of Georgia, unless said person *shall have obtained a license from a Board of Dentists, duly authorized and appointed under the provisions of this chapter to issue license.*

SEC. 2. That the Board of Examiners shall consist of five (5) dental graduates or practitioners of dentistry, who are members in good standing of the Georgia State Dental Society; *provided*, that said graduates or practitioners have been practicing in the State of Georgia for a term of not less than three (3) years. Said board shall be elected to serve for two years. The President of said Georgia State Dental Society shall have power to fill all vacancies in said board for unexpired terms.

SEC. 3. That it shall be the duty of this board, First, to meet annually at the time of meeting of the Georgia State Dental Society, or oftener, at the call of any three members of said board; thirty days' notice must be given of the annual meetings. Secondly, to prescribe a course of

reading for those who study dentistry under private instruction. *Thirdly, to grant license to all applicants who undergo a satisfactory examination. Fourthly, to keep a book, in which shall be registered the names of all persons licensed to practice dentistry in the State of Georgia.*

Sec. 4. That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal, shall be evidence in any court in the State.

Sec. 5. That three members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day until a quorum is present.

Sec. 6. That one member of said board may grant a license to an applicant to practice until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire; but such temporary license shall not be granted by a member of the board after the board has rejected the applicant.

Approved, as amended, October 9th, 1885.

[See Code of Georgia, §1416.]

An Act to amend Section 1416 of the Code of Georgia Relating to and Regulating the Practice of Dentistry in the State of Georgia, and to Require Practicing Dentists to Register.

Section 1. *Be it enacted by the General Assembly*, That section 1416 of the Code of Georgia be so amended as to read, as follows: "That any person who shall, in violation of this Act, practice dentistry in the State of Georgia for a fee or reward, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as prescribed in section 4310 of the Code of 1873; *provided*, that nothing in this Act shall be construed to prevent any person from extracting teeth; *and provided further*, that none of the provisions of this Act shall apply to regular licensed physicians and surgeons in practice at or prior to the passage of this Act, and

dentists who were in practice prior to the 24th of August, 1872."

SEC. 2. Every person practicing dentistry in this State shall, within sixty days after the passage of this Act, register his name, together with his post-office address, and the date of his diploma or license, in the office of the Clerk of the Superior Court of the county in which he practices, and shall, on the payment to such Clerk of a fee of fifty cents, be entitled to receive from him a certificate of such registration.

SEC. 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved October 20th, 1879.

An Act to Exempt all Regular Practicing Dentists from Jury Duty.

SECTION 1. *Be it enacted by the General Assembly*, That from and after the passage of this Act, all dentists who are in regular practice in this State, shall be exempt from all jury duty.

SEC. 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Passed August, 1881.

ILLINOIS.

A Bill for An Act to Insure the Better Education of Practitioners of Dental Surgery, and to Regulate the Practice of Dentistry in the State of Illinois.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That it shall be unlawful for any person, who is not at the time of the passage of this Act engaged in the practice of dentistry in this State, to commence such practice, unless such person shall have received a diploma from the faculty of some reputable dental college, duly authorized by the laws of this State or of some other of

the United States, or by the laws of some foreign country, in which college or colleges there was, at the time of the issue of such diploma, annually delivered, a full course of lectures and instructions in dental surgery; *provided*, that any person removing into this State, who shall have been for a period of ten years prior to such removal, a practicing dentist; *and provided also*, that any person holding the diploma of Doctor of Medicine from any reputable medical college, shall be entitled to practice dentistry in this State, upon obtaining a license for the purpose as hereinafter provided; and nothing in this Act shall be construed to prohibit any physician or surgeon from extracting teeth.

Sec. 2. A Board of Examiners, to consist of five practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provision of this Act. The members of said board shall be appointed by the Governor. The term for which the members of said board shall hold their offices shall be five years, *except* that the members of the board first to be appointed under this Act shall hold their offices for the term of one, two, three, four, and five years, respectively, and until their successors shall be duly appointed. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor.

Sec. 3. Said board shall choose one of its members President and one the Secretary thereof, and it shall meet, at least, once in each year, and as much oftener, and at such times and places, as it may deem necessary. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection.

Sec. 4. It shall be the duty of every person who is engaged in the practice of dentistry in this State, within six months from the date of the passage of this Act, to cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a book for that purpose; and every person who shall so register with said board as a practitioner of dentistry,

may continue to practice the same, as such, without incurring any of the liabilities or penalties provided in this Act.

SEC. 5. No person whose name is not registered on the books of said board as a regular practitioner of dentistry, within the time prescribed in the preceding section, shall be permitted to practice dentistry in this State, until such person shall have been duly examined by said board and regularly licensed in accordance with the provisions of this Act.

SEC. 6. Any and all persons who shall so desire may appear before said board, at any of its regularly meetings, and be examined with reference to their knowlege and skill in dental surgery, and, if the examination of any such person or persons shall prove satisfactory to said board, the Board of Examiners shall issue to such persons, as they shall find from such examination to possess the requisite qualifications, a license to practice dentistry in accordance with the provisions of this Act. But said board shall at all times issue a license to any regular graduate of any reputable dental college without examination, upon the payment by such graduate to the said board of a fee of one dollar. All licenses issued by said board shall be signed by the members thereof and be attested by its President and Secretary; and such license shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of Illinois.

SEC. 7. Any member of said board may issue a temporary license to any applicant, upon the presentation by such applicant of the evidence of the necessary qualifications to practice dentistry, and such temporary license shall remain in force until the next regular meeting of said board occurring after the date of such temporary license, and no longer.

SEC. 8. Any person who shall violate any of the provisions of this Act shall be liable to prosecution before any court of competent jurisdiction, upon information or by indictment, and, upon conviction, may be fined not less than twenty-five dollars, nor more than fifty dollars, for each and every offence. All fines recovered under this Act shall be

paid into the common school fund of the county in which such conviction takes place.

SEC. 9. In order to provide the means for carrying out and maintaining the provision of this Act, the said Board of Examiners may charge each person applying to or appearing before them for examination for license to practice dentistry, a fee of two dollars, and out of the funds coming into the possession of the board from the fees so charged, the members of said board may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of their office, and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by the Board under the provisions of this Act. And no part of the salary or other expenses of the Board shall ever be paid out of the State treasury. All moneys received in excess of said *per diem* allowance, and other expenses above provided for, shall be held by the Secretary of said board as a special fund for meeting the expenses of said board, he giving such bond as the board shall from time to time direct. And said board shall make an annual report of its proceedings to the Governor, by the fifteenth of December of each year, together with an account of all moneys received and disbursed by them, pursuant to this Act.

SEC. 10. Any person who shall be licensed by said board to practice dentistry, shall cause his or her license to be registered with the County Clerk of any county or counties in which such person may desire to engage in the practice of dentistry, and the County Clerks of the several counties in this State shall charge for registering such license a fee of twenty-five cents for each registration. Any failure, neglect, or refusal on the part of any person holding such license to register the same with the County Clerk, as above directed, for a period of six months, shall work a forfeiture of the license, and no license, when once forfeited, shall be restored, except upon the payment to the said Board of Examiners of the sum of twenty-five dollars, as a penalty for such neglect, failure, or refusal.

INDIANA.

An Act to Regulate the Practice of Dentistry in the State of Indiana.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any one to practice dentistry for a fee, or reward, in the State of Indiana, without having received a diploma from a dental college, duly incorporated, under the laws of this or some other State of the United States, or a certificate of qualification issued by a Board of Examiners, to be appointed by the Indiana State Dental Association; *provided*, that nothing in this Act shall apply to any one engaged in the practice of dentistry in this State at the time of the passage of this Act.

SEC. 2. A Board of Examiners, consisting of five practicing dentists, shall be appointed by the said State Dental Association, according to its by-laws, whose duty it shall be to meet annually, at the time and place of meeting of said State Association, or oftener, at the call of three members of said board, at such time and place as may be designated in said call, and to examine all applicants and issue certificates to all who pass a satisfactory examination.

SEC. 3. Any applicant who furnishes satisfactory proof of having been engaged in a reputable practice of dentistry for ten consecutive years, immediately preceding the time of their application, shall be examined only in practical dentistry, operative and mechanical; all others shall be examined in anatomy, physiology, pathology, therapeutics, chemistry and the theory and practice of surgical and mechanical dentistry.

SEC. 4. All certificates, issued under the provisions of this Act, shall be signed by all the members of said Board of Examiners, and have the seal of the Indiana State Dental Association affixed, and shall be *prima facie* evidence of the right of the holder to practice under this Act, which right it shall be incumbent upon the holder to prove in all prosecutions under the same.

SEC. 5. Any member of the Board of Examiners may grant a permit to practice until the next meeting of the board, but such permit shall be valid only until said next meeting, and in no case be extended or renewed.

SEC. 6. Any person violating the provisions of this Act shall be liable to prosecution upon complaint of any citizen of this State before a Justice of the Peace, or in any court of competent jurisdiction, by indictment, or information, in the county where the offense is committed, and, upon conviction, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, for each offence; *provided*, nothing in this Act shall be so construed as to prevent physicians or surgeons extracting teeth; and all fines so collected shall belong to the common school fund of the county where assessed.

SEC. 7. To provide a fund to carry out and enforce the provisions of this Act, the Board of Examiners shall, before examination, collect from each applicant the sum of twenty-five dollars; any portion of which there may be remaining, after paying necessary expenses attending such examinations, shall be paid into the treasury of the said State Association, to be used for the purpose for which said fund is hereby created.

SEC. 8. Three members of the Board of Examiners shall constitute a quorum, and all questions before them shall be decided by a vote of the majority of those present, and, should there not be a quorum present on the day of meeting, those present may meet and adjourn, from day to day, until there is a quorum present.

SEC. 9. The board shall receive, out of the fund created by this Act, such compensation for their services as the By-Laws of said State Dental Association may provide.

SEC. 10. This Act shall be in force from and after its passage, publication and circulation in the several counties of the State.

Approved March 29th, 1879.

INDIANA AMENDMENT.

The Legislature of Indiana has passed a new Act for the regulation of dentistry in that State. The new law, the text of which will be found below, went into effect the last Tuesday (28th) of June, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any one to practice dentistry in the State of Indiana at any time after thirty days from the appointment of the Board of Examiners provided for in section 2 hereof, without being registered according to the provisions of this Act.

SEC. 2. A Board of Examiners, consisting of five reputable practicing dentists, shall be appointed on the last Tuesday of June, 1887, and biennially thereafter, one by the Governor, one by the State Board of Health, and three by the Indiana State Dental Association; said board to serve for the term of two years from the date of such appointment; and it shall be the duty of said board to meet annually, at the time and place fixed for the meeting of said Dental Association, or oftener, at the call of any three members of said board, at such time and place as may be designated in such call. When convened, the said board shall examine all applications for certificates of qualification, and issue such certificates to all such applicants as shall pass a satisfactory examination.

SEC. 3. Any person who shall prove to the satisfaction of said Board of Examiners that he is a graduate of a dental college duly and legally incorporated, and who shall present a diploma therefrom, and shall further show that said college is of good repute, shall be entitled to a registration certificate on the payment of a fee of one dollar to said board.

SEC. 4. Any person who shall present to the said Board of Examiners a valid certificate of qualification, issued by the Board of Examiners under the provision of any former law of this State, shall be entitled to a certificate of registration upon the payment of a fee of one dollar to said board.

SEC. 5. Any person who shall file before said Board of Examiners an application under oath, and sworn to by one

or more freeholders, setting forth the fact that said applicant has been engaged in the lawful practice of dentistry in this State continuously since the 29th day of May, 1879.

Approved May 31st, 1879.

IOWA.

A Bill for an Act to Insure the Better Education of Practitioners of Dentistry in the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be unlawful for any person who is not, at the time of the passage of this Act, engaged in the practice of dentistry in the State, to commence such practice, unless such person shall have received a license from the Board of Examiners, or some member thereof, as hereinafter provided, or a diploma from the faculty of some reputable dental college, duly authorized by the laws of the State, or by some other of the United States, or by the laws of some foreign country, in which college or colleges there was, at the time of the issue of such diplomas, annually delivered, a full course of lectures and instruction in dental surgery.

SEC. 2. A Board of Examiners is hereby created, whose duty it shall be to carry out the purpose and enforce the provisions of this Act. The members of such board shall be appointed by the Governor, and shall consist of five practicing dentists, who shall have been engaged in the continuous practice of dentistry in the State for five years, or over, at the time of, or prior to, the passage of this Act. The term for which the members of said board shall hold their offices shall be five years, *except* that the members of the board first appointed under this Act, shall hold their office for the term of one, two, three, four and five years, respectively, and until their successors shall be duly appointed. In case of vacancy occurring in said board, such vacancy shall be filled by the Governor.

SEC. 3. Said board shall choose one of its members President, and one the Secretary thereof; and it shall meet at least once in each year, and as much oftener, and at such time and place, as it may deem necessary. A majority of said board shall, at all times, constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

SEC. 4. It shall be the duty of every person who is engaged in the practice of dentistry in the State, within six months from the date of the taking effect of this Act, to cause his or her name and residence, or place of business, to be registered with the said Board of Examiners, who shall keep a book for that purpose; and every person who shall so register with said board as a practitioner of dentistry, may continue to practice the same as such without incurring any of the liabilities or penalties of this Act.

SEC. 5. No person, whose name is not registered on the books of said board as a regular practitioner of dentistry, within the limits prescribed in the preceding section, shall be permitted to practice dentistry in this State until such person shall have been duly examined by said board, and regularly licensed in accordance with the provisions of this Act.

SEC. 6. Any and all persons, who shall so desire, may appear before said board, at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery, and if such person shall be found, after having been so examined, to possess the requisite qualifications, said board shall issue a license to such person to practice dentistry, in accordance with the provisions of this Act. But said board shall, at all times, issue a license to any regular graduate of any reputable dental college, without examination, upon the payment by such graduate to the said board of a fee of one dollar. All licenses issued by said board shall be signed by the members thereof, and be attested by its President and Secretary; and such licenses shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of Iowa.

SEC. 7. Any member of said board may issue a tempo-

rary license to any applicant, upon the presentation by such applicant of the evidence of the necessary qualification to practice dentistry; and such temporary license shall remain in force until the next regular meeting of said board occurring after the date of such temporary license, and no longer.

SEC. 8. Any person who shall violate any of the provisions of this Act shall be liable to prosecution before any court of competent jurisdiction, upon information; and, upon conviction, shall be fined not less than twenty-five dollars, nor more than fifty dollars for each and every offense.

SEC. 9. In order to provide the means for carrying out and maintaining the provision of this Act, the said Board of Examiners may charge each person, applying to, or appearing before them for examination for license to practice dentistry, a fee of two dollars; and out of the funds coming into the possession of the board from the fee so charged, the members of said board may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of their office. And no part of the salary, or other expenses of the board shall be paid out of the State Treasury. All moneys received in excess of the said *per diem* allowance shall be held by the Secretary of said board as a special fund for meeting the expenses of said board, he giving such bond as the board shall, from time to time, direct. The said board shall make an annual report of its proceedings to the Governor, by the fifteenth of November of each year, together with an account of all moneys received and disbursed by them, pursuant to this Act.

SEC. 10. Any person who shall be licensed by said board to practice dentistry, shall cause his or her license to be registered with the County Clerk of any county, or counties, in which such person may desire to engage in the practice of dentistry; and the County Clerks of the several counties in the State shall charge for registering such license, the fee of twenty-five cents for each registration. Any failure, neglect, or refusal on the part of any person holding such licenses to register the same with the County Clerk, as above directed,

for a period of six months, shall work a forfeiture of the license; and no license, when once forfeited, shall be restored, except upon the payment to the said Board of Examiners the sum of twenty-five dollars, as a penalty for such neglect, failure, or refusal.

SEC. 11. Nothing in this Act shall be construed to prevent persons from extracting teeth.

Approved March 2nd, 1882.

KANSAS.

An Act to Regulate the Practice of Dentistry and Punish Violators thereof, in Kansas.

SECTION 1. *Be it enacted by the Legislature of the State of Kansas*, That it shall be unlawful for any person to practice, or attempt to practice, dentistry or dental surgery in the State of Kansas, without first having received a diploma from the faculty of some reputable dental college, school, or university department, duly authorized by the laws of this State or some other of the United States, or by the laws of some foreign government, and in which college, school or university department there was, at the time of the issuance of such diploma, annually delivered a full course of lectures and instructions in dentistry and dental surgery; *provided*, that nothing in section 1 of this Act shall apply to any person engaged in the practice of dentistry or dental surgery in this State at the time of the passage of this Act, except as hereinafter provided; *and provided further*, that nothing in this Act shall be so construed as to prevent physicians, surgeons and others from extracting teeth.

SEC. 2. A Board of Examiners, consisting of four practicing dentists, residents of this State, is hereby created, who shall have authority to issue certificates to persons in the practice of dentistry or dental surgery in this State at the time of the passage of this Act, and also to decide upon the

validity of such diplomas as may be subsequently presented for registration, as hereinafter provided.

SEC. 3. The members of said board shall be appointed by the Governor, and shall serve for a term of four years, excepting that the members of the board first appointed shall hold their offices, as follows: Two for two, and two for four years, respectively, and until their successors are duly appointed. In case of a vacancy occurring in said board, such vacancy shall be filled by appointment by the Governor.

SEC. 4. Said board shall keep a record, in which shall be registered the names and residences, or places of business, of all persons authorized under this Act to practice dentistry or dental surgery in this State. It shall elect one of its members President and one Secretary thereof, and it shall meet at least once in each year, and as much oftener, and at such times and places, as it may deem necessary. A majority of the members of said board shall constitute a quorum, and the proceedings thereof shall be at all times open for public inspection.

SEC. 5. Every person engaged in the practice of dentistry or dental surgery within this State at the time of the passage of this Act, shall, within six months thereafter, cause his or her name, and residence, and place of business, to be registered with said Board of Examiners; upon which said board shall issue to such person a certificate duly signed by a majority of the members of said board, and which certificate shall entitle the person to whom it is issued, to all the rights and privileges set forth in section 1 of this Act.

SEC. 6. Any person desiring to commence the practice of dentistry or dental surgery within this State, after the passage of this Act, shall, before commencing such practice, file for record in a book kept for such purpose, with said Board of Examiners, his or her diploma, or a duly authenticated copy thereof, the validity of which said board shall have the power to determine. If accepted, said board shall issue to the person holding such diploma a certificate duly signed by all, or a majority, of the members of said board, and which certificate shall entitle the person to whom it is

issued to all the rights and privileges set forth in section 1 of this Act.

SEC. 7. To provide for the proper and effective enforcement of this Act, said Board of Examiners shall be entitled to the following fees, to wit: For each certificate issued to persons in practice in this State at the time of the passage of this Act, the sum of three dollars; for each certificate issued to persons not engaged in the practice of dentistry in this State at the time of the passage of this Act, the sum of ten dollars.

SEC. 8. That members of said board shall each receive the compensation of five dollars per day, for each day actually engaged in the duties of their office, which, together with all other legitimate expenses incurred in the performance of such duties, shall be paid from fees received by the board under the provisions of this Act; and no part of the expenses of said board shall at any time be paid out of the State Treasury. All moneys in excess of said *per diem* allowance, and other expenses, shall be held by the Secretary of said board as a special fund for meeting the expenses of said Board, he giving such bond as the board shall, from time to time, direct; and such board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in pursuance of this Act.

SEC. 9. Any person who shall violate this Act by practicing, or attempting to practice, dentistry within the State without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than ten dollars, nor more than one hundred dollars.

SEC. 10. This Act shall take effect and be in force from and after publication in the statutes.

Approved February 25th, 1885.

Took effect May 1st, 1885.

KENTUCKY.

LAWS RELATING TO DENTISTS.

An Act to amend an Act, entitled "An Act to Incorporate the State Dental Association."

SECTION 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be unlawful for any person to practice dentistry in the State of Kentucky for compensation, unless such person has received a diploma from the faculty of a dental college, duly incorporated under the laws of this or any other of the United States, or foreign country, or a certificate of qualification issued by the Kentucky State Dental Association; *provided*, that nothing in this section shall apply to persons now engaged in the practice of dentistry in this State.

SEC. 2. There shall be a Board of Examiners, to consist of three practitioners of dentistry, who, together with the President and Secretary of the Kentucky Dental Association, shall be elected by said Dental Association, according to its By-Laws.

SEC. 3. It shall be the duty of said Board of Examiners, so elected, to meet annually at the time of meeting of said Kentucky State Dental Association, or oftener, at the call of any three of the members of said board, or of an applicant for a certificate to practice dentistry.

SEC. 4. Thirty days' notice must be given of the annual meetings of said State Association, and previous thereto; that all applicants for certificates to practice dentistry will be granted the same upon satisfactory examination.

SEC. 5. The Kentucky State Dental Association shall cause to be kept a book, in which shall be registered the names of all persons having certificates to practice dentistry in the State of Kentucky, and that the book, or books, so kept shall be a book, or books, of record, and a transcript from the same, certified to by the officer who has it in charge, with the seal of said association affixed thereto, shall be evidence in any court in this Commonwealth.

SEC. 6. Three members of said Board of Examiners shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day until a quorum is present.

SEC. 7. Any person who shall, in violation of this Act, practice dentistry in the State of Kentucky, for a fee or reward, shall be liable to indictment by the grand jury of the county in which the offense is committed, and, upon conviction, shall be fined in the penal sum of not less than fifty nor more than two hundred dollars for each offence; *provided*, that nothing in this Act shall be construed to prevent physicians or surgeons from extracting teeth.

SEC. 8. On the trial of indictments found as aforesaid, it shall be incumbent on the defendant to show that he has authority, under the law, to practice dentistry, to exempt himself from the penalty by law prescribed.

SEC. 9. All fines collected under this Act shall inure to the benefit of common school education, and be added to the fund of such common school in the county in which the offense is committed.

SEC. 10. In order to provide a fund to carry out the provisions in the third section of this Act, it shall be the duty of the Board of Examiners to collect from all who receive the certificate to practice dentistry, a sum not to exceed twenty dollars each, of which sum, if there be any remaining after paying necessary expenses, the balance shall be paid into the treasury of said Kentucky State Dental Association, to be kept as a fund for the purpose of carrying out more fully and perfectly the provisions of this Act.

SEC. 11. The Board of Examiners shall receive such remuneration for their services as the By-Laws of said Kentucky Dental Association may provide.

SEC. 12. This Act shall take effect, and be in force, from and after its passage.

Approved February 6th, 1868.

LOUISIANA.

An Act to Regulate the Practice of Dentistry within the State of Louisiana, and to Protect the People against Empiricism in Regard to the Same.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That from and after the passage of this Act, it shall be unlawful for any person to practice dentistry in the State of Louisiana, unless said person has graduated and received a diploma from the faculty of a dental college, chartered under the authority of some one of the United States, or of some foreign government, or shall have obtained a certificate from a Board of Examining Dentists, duly authorized by this Act to issue such certificate.

SEC. 2. That the Board of Examining Dentists shall consist of five dental graduates, practitioners of dentistry, who are members in good standing in the Louisiana State Dental Society, and have been practicing in the State of Louisiana for a term of not less than three years. Said board shall be elected by the State Dental Society to serve for two years. The President of the said Louisiana State Dental Society shall have power to fill all vacancies in said board for unexpired terms.

SEC. 3. That it shall be the duty of this board, First, to meet, annually, at the time of the meeting of the Louisiana State Dental Society, or oftener, at the call of any three members of the said board, and after thirty days' notice thereof. Secondly, to grant a certificate to any applicant who shall furnish satisfactory evidence of having graduated or received a diploma from any incorporated dental college, without fee, charge, or examination. Thirdly, to grant certificates to all other applicants who may undergo a satisfactory examination, also without fee, or charge, of any kind. Fourthly, to keep a book in which shall be registered the names of all persons to whom such certificate shall be granted.

SEC. 4. That the book, so kept, shall be a book of record,

and a transcript from it, certified to by the officer who has had it in keeping, shall be evidence in any court of this State.

SEC. 5. That three members of said board shall constitute a quorum for the transaction of business; and should a quorum not be present on the day of meeting, those present may adjourn, from day to day, until a quorum be present.

SEC. 6. That two members of said board may grant a certificate to any applicant to practice until the next authorized meeting of the board, when they shall report the fact, and such temporary certificate shall expire; but *such temporary certificate* shall not be granted after the board shall have refused a certificate.

SEC. 7. That any person who shall, in violation of this Act, pretend to be a regular practitioner of dentistry, and practice dentistry in the State of Louisiana, shall be liable to indictment, and, on conviction, shall be fined not less than fifty dollars, nor more than three hundred dollars; *provided*, that nothing in this Act shall apply to regular physicians and surgeons.

SEC. 8. That one-half of all fines collected shall *inure* to the Louisiana State Dental Society, and the other half to the educational fund for the parish in which the offense was committed.

SEC. 9. That dentists who are in practice in this State at the time of the passage of this Act, shall be exempt from the provisions made in the first section thereof.

SEC. 10. That all laws, and parts of laws, in conflict with the provisions of this Act be and the same are hereby repealed.

Approved March 10th, 1880.

MAINE.

Following is the text of An Act to Insure the Better Education of Practitioners of Dental Surgery, and to Regulate the Practice of Dentistry in the State of Maine.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That no person shall practice, attempt to practice, or hold himself out to be a practitioner of dentistry or dental surgery until he or she shall have first received a certificate as hereinafter provided; and whoever violates the provisions of this section shall be fined not less than twenty-five nor more than one hundred dollars for each offence. This section shall take effect three months after the approval of this Act.

SEC. 2. A Board of Examiners, to consist of five dentists of good standing, who have been in the practice of dentistry in this State not less than five years, is hereby created. The members of the said board shall be appointed by the Governor, with advice and consent of council, to hold office for the term of three years and until their successors are qualified, except, however, that the first five members to constitute said board shall be appointed to hold as follows, to-wit: Two for the term of one year, two for two years, and one for three years. Vacancies in said board at any time occurring shall be filled by the Governor, in accordance with the provisions of this section.

SEC. 3. Before entering upon their duties the members of said board shall take and subscribe the oath prescribed by law to be taken by other officers appointed in like manner. As soon as convenient after their appointment, the members of said board shall meet and organize by choosing one of their number who shall serve as President, and another as Secretary, for the ensuing year, and until their successors are chosen; and shall meet annually thereafter at a time and place to be determined by said board at its previous annual meeting, and may meet at such other times and places as said board may deem necessary. A majority of the members of said board

shall constitute a quorum, a true record of whose proceedings shall be kept by the Secretary, and shall be open at all reasonable times to public inspection. The Secretary, under the direction of the board, shall further keep a register in which shall be entered the name, residence and place of business of every person authorized under this Act to practice dentistry, and shall certify a copy of the same to the Secretary of State, who shall enter the same in a book to be kept for the purpose.

SEC. 4. Every person engaged in the practice of dentistry or dental surgery in this State at the time of approval of this Act shall, within three months thereafter, cause his or her name, residence and place of business to be registered with said Board of Examiners. The statements of every such person shall be verified under oath before a Notary Public or Justice of the Peace in such manner as may be prescribed by the board, and, upon due compliance and payment of the fee as provided in section 7 of this Act, shall receive from said board a certificate in due form, signed by the President and attested by the Secretary, authorizing such persons to practice dentistry in the State.

SEC. 5. Any person desiring to practice dentistry or dental surgery in this State, who is not entitled to register under the preceding section, upon first passing a satisfactory examination before said board in anatomy, physiology, pathology, therapeuties, chemistry, and the theory and practice of dentistry, and, on payment of the fee as provided in section 7 of this Act, shall be entitled to registration and shall receive a certificate as provided in section 4 of this Act.

SEC. 6. The Secretary of said board may grant a temporary permit to practice dentistry to any suitable person who shall file with said Secretary his application therefor, and shall deposit with him the sum of ten dollars, to be applied toward the payment of said applicant's examination fee. Such permit shall be valid only until the next meeting of said board.

SEC. 7. The board shall receive from the applicant for each certificate issued under section 4 of this Act the sum of one dollar; for the examination of each person under the provisions of section 5, twenty dollars, which shall in no case be returned, but shall entitle the applicant to another examination without payment of additional fees. The above fees shall be in full for all services and expenses.

SEC. 8. Nothing in this Act shall be so constructed as to restrict or interfere with physicians and surgeons in the discharge of their professional duties, or with any citizen in the extraction of teeth in cases of emergency.

Approved March 4th, 1891.

MARYLAND.

An Act to Regulate the Practice of Dentistry in the State of Maryland.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That it shall be unlawful for any person who is not, at the passage of this Act, engaged in the practice of dentistry in this State, to practice dentistry, unless he or she shall have obtained a certificate as hereinafter provided, or shall hold a diploma from a university or college, chartered by, or under the laws of this State, authorized to grant diplomas in dental surgery.

SEC. 2. That a Board of Examiners, to consist of five reputable practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act; the members of said board shall be appointed by the Governor, who shall select them from the dentists residing in this State; *provided*, that none of said board shall be pecuniarily connected with any dental college, or dental department of any college, or university; the term for which the members of said board shall hold their offices, shall be for four years, except that two

members of the board, first to be appointed under this Act, shall be designated by the Governor to hold their offices for the term of two, and three, or four years, respectively, unless sooner removed by the Governor, and until their successors shall be duly appointed; in case of a vacancy occurring in said board, such vacancy shall be filled in like manner by the Governor.

SEC. 3. That said board shall choose one of its members President and one Secretary thereof; it shall fix the time and place of its meeting, or meetings; a majority of said board shall, at all times, constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection; the board shall also make an annual report of its proceedings to the Governor.

SEC. 4. That within six months from the time this Act takes effect, it shall be the duty of every person, who is at that time engaged in the practice of dentistry in this State, to cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a book for that purpose; the statement of every such person shall be verified under oath before a Notary Public or Justice of the Peace, in such a manner as may be prescribed by the said Board of Examiners; every person who shall so register with said board, as a practitioner of dentistry, may continue to practice the same as such, and shall receive a certificate of such registration upon his or her paying the said board one dollar for such certificate.

SEC. 5. That any and all persons who shall desire to commence such practice may appear before said board at any of its regular meetings, and be examined with reference to their knowlege and skill in dental surgery, and if the examination of any such person, or persons, shall prove satisfactory to said board, the Board of Examiners shall issue to such persons, as they shall find to possess the requisite qualifications, a certificate to that effect, in accordance with the provisions of this Act, upon the payment of one dollar for such certificate; all certificates issued by said board shall be signed by its officers, and such certificates

and diplomas granted as aforesaid, shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of Maryland.

SEC. 6. That any person who shall willfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court having criminal jurisdiction, may be fined not less than fifty dollars, nor more than three hundred dollars, or be confined not more than six months in the county jail, in the discretion of the court; all fines received under this Act shall be paid into the common school fund of the city or county in which such conviction takes place.

SEC. 7. That one member of said board may grant any certificate provided for in this Act to any applicant, upon presentation by such applicant of the evidence requisite for the obtaining of said certificate, which certificate shall remain in force until the next regular meeting of the said board after the granting of said certificate, and no longer; but no such certificate shall be issued by such members after such applicant has been rejected by said board.

SEC. 8. That nothing in this Act shall be so construed as to interfere with the rights and privileges of physicians and surgeons in the discharge of their professional duties.

MARYLAND AMENDMENT.

The following are the amended sections by the Act of 1886, chapter 372.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That sections one and eight of the Act passed at the January session, eighteen hundred and eighty-four, entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of Maryland," be and the same is hereby repealed and re-enacted, so as to read, as follows:

"SECTION 1. That it shall be unlawful for any person, who is not at the time of the passage of this Act engaged in the practice of dentistry, to practice dentistry, unless he or

she shall have obtained a certificate as herein provided, or shall hold a diploma from a university or college authorized to grant diplomas in dental surgery; any person holding such a diploma, and desiring to commence such practice, shall present the same to the Board of Examiners, created by this Act, for approval; such Examining Board, being satisfied as to the qualifications of the applicant and the genuineness of the diploma, shall indorse the same as approved, and issue the certificate of registration provided for in this Act."

"SEC. 8. That nothing shall be so construed as to interfere with the rights and privileges of resident physicians and surgeons in the discharge of their professional duties."

Approved April 7th, 1886.

MASSACHUSETTS.

An Act to Establish a Board of Registration in Dentistry for the Commonwealth of Massachusetts.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:* The Governor of the Commonwealth, with the advice and consent of the council, shall appoint, after the passage of this Act, five skilled dentists of good repute, residing and doing business within the Commonwealth, who shall constitute a Board of Registration in Dentistry; but no person shall be eligible to serve on said board, unless he or she shall have been regularly graduated from some reputable medical or dental college duly authorized to grant degrees in dentistry, or shall have been engaged in the practice of dentistry for a period of not less than ten years previous to his appointment; *provided, however*, that no person shall be eligible to serve on said board who is in any way pecuniarily connected with any dental college or dental department of any college or university. The term for which the members of said board shall hold their office,

shall be three years, except that two of the members of the board, first to be appointed under this Act, shall hold their office for the term of one year, two for the term of two years, and one for the term of three years, respectively, and until their successors shall be duly appointed and qualified. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor in conformity with this section. Any member of said board may be removed from office for cause by the Governor, with the advice and consent of the council.

Sec. 2. Said board shall choose one of its members President and one Secretary thereof, and it shall meet at least twice in each year. Four of said board shall constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

Sec. 3. Within six months from the time this Act takes effect, it shall be the duty of every person who is at that time engaged in the practice of dentisty in this State, to cause his or her name, residence, and place of business to be registered with said board, which shall keep a book for that purpose. The statements of every such person shall be verified under oath before a Notary Public or Justice of the Peace, in such manner as may be prescribed by the board. Every person engaged in the practice of dentistry within this Commonwealth at the time of the passage of this Act, and who shall so register with said board as a practitioner of dentistry, shall receive a certificate to that effect, and may continue to practice without incurring any of the liabilities or penalties provided in this Act.

Sec. 4. All persons not provided for in section 3 may appear before said board at any of its regular meetings and be examined, either orally or by written examination, at the option of the several applicants, with reference to their knowledge and skill in dentistry and dental surgery; and if the examination of any such person, or persons, shall prove satisfactory to said board, the board shall issue to such person as it finds to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this

Act. All certificates issued by said board shall be signed by its officers, and such certificate shall be *prima facie* evidence of the right of the holder to practice dentistry in Massachusetts.

SEC. 5. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined not less than fifty nor more than one hundred dollars, or confined three months in the county jail for each and every offense.

SEC. 6. The said board shall charge each person receiving a certificate the sum of fifty cents, and each person appearing before them for examination for a certificate of qualification a fee of ten dollars, which fee shall in no case be returned. Any person failing to pass a satisfactory examination shall be entitled to be re-examined at any future meeting of the board, free of charge, but no applicant shall be examined oftener than twice in one year. Said board shall make an annual report of its proceedings to the Governor by the thirty-first day of December in each year. All fees received by the board under this Act shall be paid by the Secretary of the board into the treasury of the Commonwealth once in each month.

SEC. 7. The compensation and all necessary expenses of the board shall be paid from the treasury of the Common wealth. The compensation of the board shall be five dollars for every day actually spent in the discharge of their duties, and three cents a mile each way for necessary traveling expenses in attending the meetings of the board; but in no case shall any more be paid than was actually expended. Such compensation and expenses shall be approved by the board, and sent to the Auditor of the Commonwealth, who shall certify to the Governor and council the amounts due, as in the case of all other bills and accounts approved by him under the provisions of the law; *provided*, that the amount so paid shall not exceed the amount received by the Treasurer and Receiver-General of the Commonwealth from the board in fees, as herein specified, and so much of said receipts as may be necessary is hereby appropriated from the compensation and expenses aforesaid.

SEC. 8. Any person who shall falsely claim or pretend to have or hold a certificate of license granted by any board organized under and pursuant to the provisions of this Act, or who shall falsely, and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, or who shall practice dentistry without obtaining a certificate as provided in this Act, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section 5.

SEC. 9. Nothing in this Act shall apply to any practicing physician who is a graduate from the medical department of any incorporated college.

SEC. 10. This Act shall take effect upon its passage.

Approved by the Governor April 1st, 1887.

MICHIGAN.

A Law to Regulate the Practice of Dentistry in the State of Michigan.

SECTION 1. *That the people of the State of Michigan enact*, That it shall hereafter be unlawful for any person to practice dentistry in the State, unless such person has received a diploma from the faculty of a reputable dental college duly incorporated under the laws of this, or some other State of the United States, or a certificate of qualification from the Board of Examiners, provided for by this Act; *provided*, that the provisions of this section shall in no way apply to or affects any person who is now located and in actual practice in this State.

SEC. 2. Said Board of Examiners shall be appointed by the Governor of this State, and shall consist of three practical dentists, who shall be regular graduates of a reputable dental college duly incorporated under this or some other State of the United States, or otherwise possess the necessary qualifications contemplated by this Act.

SEC. 3. Each member of this Board of Examiners shall serve for a term of three years, and until his successor is duly appointed and qualified; except in case of the first board, the members thereof shall serve, respectively, one, two, and three years, as specified in the appointment of the Governor.

SEC. 4. The Board of Examiners shall be organized as follows: The member having but one year to serve shall be President of the board; the one having two years shall be Treasurer, and the one having three years shall be Secretary. The Treasurer shall make and file with the Secretary of State a good and sufficient bond to the people of the State of Michigan, in the penal sum of one thousand dollars, conditioned that he will well and truly pay over all moneys received by him as such Treasurer, in compliance with the provisions of this Act, and otherwise faithfully discharge the duties of his office.

SEC. 5. The Board of Examiners shall meet, at least, once in each year, for the purpose of examining applicants, after having given, personally, or by mail, thirty days' written or printed notice to each practicing dentist in the State, who has filed his name and post-office address with the Secretary of said board. The said board is authorized to incur all necessary expenses in the prompt and efficient discharge of its duties, and pay the same with any moneys in the hands of its Treasurer.

SEC. 6. Each member of said board shall qualify by taking the oath of office prescribed by the constitution of this State, and filing the same with the Secretary of State before entering upon the duties of his office. Should a vacancy occur in said board, the Governor of this State shall fill the same by appointment.

SEC. 7. Any member of said Board of Examiners may, when the board is not in session, examine applicants, and in case any applicant is found competent, grant a license to him to practice dentistry in this State until the next meeting of the said board, and no longer, upon the payment of the sum of three dollars; *provided*, no member of said board shall

grant a license to one who has been rejected on an examination by the board.

SEC. 8. Should any member of said board be unable to attend at the meeting of the board for the examination of applicants, he may appoint, in writing, a substitute, who shall have the same power on the examination that the member appointing him would have if present: *provided*, such substitute be a person eligible to be a member of said board within the provisions of this Act; *and provided further*, that the appointment of such substitute be by and with the written consent of the other members of the board.

SEC. 9. Each applicant shall, on the receipt of a license to practice, pay into the treasury of the board the sum of ten dollars, which shall constitute a fund to defray the expenses of the board; and each member of the board shall receive therefrom the sum of three dollars per day for services rendered as such examiner. The said board shall keep a list of the names of all persons to whom licenses have been granted under the provision of this Act, and also of all persons practicing dentistry in this State, in a book provided for that purpose, with the names arranged in alphabetical order.

SEC. 10. Any sum in excess of one hundred dollars which, under the provisions of this Act, may accumulate in the treasury of said board, shall be paid by the Treasurer thereof into the treasury of this State.

SEC. 11. Each person now engaged in the practice of dentistry in this State, shall, within ninety days after this Act takes effect, send an affidavit to the Secretary of said board setting forth his name, place of business, post-office address, the length of time he has been engaged in practice in this State, and if a graduate of a dental college, state the name of the same, and also pay to the Treasurer of the said board the sum of twenty-five cents, and, on failure to comply with the provisions of this section, he shall be required to appear and be examined by said board.

SEC. 12. Any person who shall practice dentistry in this State in violation of the provisions of this Act, shall be

deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or sentenced to imprisonment in the county jail for a period not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court; *provided*, that nothing in this Act shall be construed so as to interfere with physicians and surgeons in their practice as such.

The above law went into effect September 9th, 1883.

MINNESOTA.

An Act to Insure the Better Education of Practitioners of Dental Surgery, and to Regulate the Practice of Dentistry in the State of Minnesota.

SECTION 1. *Be it enacted by the Legislature of the State of Minnesota*, That it shall be unlawful for any person who is not at the time of the passage of this Act engaged in the practice of dentistry in this State, to commence such practice, unless he or she shall have obtained a certificate as hereinafter provided.

SEC. 2. A Board of Examiners, to consist of five practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said Board shall be appointed by the Governor, who shall select them from ten candidates, whose names shall be furnished him by the State Dental Association. The term for which the members of said board shall hold their offices shall be five years, except that the members of the board first to be appointed under this Act shall hold their offices for the term of one, two, three, four and five years, respectively, and until their successors shall be duly appointed. In case a vacancy occurring in said board, such vacancy shall be filled by the Governor from names presented to him by the Minnesota State Dental Association.

It shall be the duty of said Minnesota State Dental Society to present twice the number of names to the Governor of those to be appointed.

SEC. 3. Said board shall choose one of its members President, and one the Secretary thereof, and it shall meet at least once in each year, and as much oftener, and at such times and places, as it may deem necessary. A majority of said board shall, at all times, constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

SEC. 4. Within six months from the time this Act takes effect, it shall be the duty of every person who is at that time engaged in the practice of dentistry in this State, to cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath, before a Notary Public or Justice of the Peace, in such manner as may be prescribed by the Board of Examiners. Every person who shall so register with said board, as a practitioner of dentistry, may continue to practice the same as such, without incurring any of the liabilities or penalties provided in this Act, and shall pay to the Board of Examiners for such registration a fee of one dollar. It shall be the duty of the Board of Examiners to forward to the Clerk of the Court of each county in the State, a certified list of the names of all persons residing in his county, who have registered in accordance with the provisions of this Act; and it shall be the duty of all Clerks to register such names in a book, to be kept for that purpose.

SEC. 5 Any and all persons who shall so desire may appear before said board at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery; and if the examination of any such person, or persons, shall prove satisfactory to said board, the Board of Examiners shall issue to such persons as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this Act; said board shall also indorse, as satisfactory, diplomas from any

reputable dental college, when satisfied with the character of such institution, upon the holder of such diploma furnishing evidence, satisfactory to the board, of his or her right to the same. All certificates issued by said board shall be signed by its officers, and such certificate shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of Minnesota.

Sec. 6. Any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined not less than fifty dollars, nor more than two hundred dollars, or be confined six months in the county jail. All fines received under this Act shall be paid into the common school fund of the county in which such conviction takes place.

Sec. 7. In order to provide the means for carrying out and maintaining the provisions of this Act, the said Board of Examiners may charge each person applying to or appearing before them for examination for a certificate of qualification, a fee of ten dollars, which fee shall in no case be returned; and out of the funds coming into the possession of the board, from the fees so charged, the members of said board may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of their office, and all legitimate and necessary expenses incurred in attending the meetings of said board; said expenses shall be paid from the fees and penalties received by the board under the provisions of this Act, and no part of the salary or other expenses of the board shall ever be paid out of the State treasury. All moneys received in excess of said *per diem* allowance and other expenses, as above provided for, shall be held by the Secretary of said board as a special fund for meeting expenses of said board, and carrying out the provisions of this Act, he giving such bond as the board shall from time to time direct. And said board shall make an annual report of its proceedings to the Governor by the 15th of December, of each year, together with an account of all moneys received and disbursed by them persuant to this Act.

Sec. 8. Any person who shall receive a certificate of

qualification from said board, shall cause his or her certificate to be registered with the Clerk of Court of any county or counties of which such person may desire to engage in the practice of dentistry, and the Clerks of the Court of the several counties in this State shall charge for registering such certificates a fee of twenty-five cents for such registration. Any failure, neglect, or refusal on the part of any person holding such certificate, to register the same with the Clerk of Court, as above directed, for a period of six months, shall work a forfeiture of the certificate, and no certificate, when once forfeited, shall be restored, except upon the payment to said Board of Examiners of the sum of twenty-five dollars as a penalty for such neglect, failure or refusal.

SEC. 9. Any person who shall knowingly and falsely claim, or pretend to have or hold a certificate of license, diploma or degree granted by any society, or who shall falsely, and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not being such graduate, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section 6 of this Act.

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 3d, 1885.

MINNESOTA AMENDMENT.

As will be seen, this law presents some new features, and is in some respects more stringent than the law of 1885, which it supersedes, or than those which have heretofore been adopted in the several states. It requires *both* a diploma of graduation from a dental school in good standing and submission to an examination before the State Board of Examiners, with practical clinical demonstration. All practitioners in the State are required to register, and new applicants who have been in practice for ten years prior to the date of the passage of the act, are admitted to examination before the board without a diploma. Provision is

made for the payment of an annual license fee of one dollar, and also, under certain conditions, for the forfeiture of a license already granted. It has been the earnest endeavor of the projectors of the law to furnish some additional safeguards against charlatanry and incompetency, and it is believed that its practical application will result in much improvement in the status of dentistry throughout the State.

The law, which is entitled "An Act to regulate the practice of dentistry in the State of Minnesota," and which goes into effect on the 1st of September, reads, as follows:

SECTION 1. *Be it enacted by the Legislature of the State of Minnesota*, From and after September 1st, 1889, it shall be unlawful for any person to practice dentistry in this State, unless he shall have first obtained a certificate of registration thereto, and filed the same, or a certified copy thereof, with the Clerk of the District Court of the county of his residence, all as hereinafter provided.

SEC. 2. A Board of Examiners, to consist of five resident practicing dentists is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of the first board under the provisions of this Act shall consist of the members of the present Board of Dental Examiners, existing under chapter 199 of the General Laws of 1885, who shall hold their offices as members of such new board for the term for which they were appointed under said former Act, and until their successors are duly appointed. All vacancies in said board shall be filled by appointment by the Governor as herinafter provided. The term for which members of said board shall be appointed shall be three years, and until their successors shall be duly appointed. It is also hereby provided that no person shall serve to exceed two terms in succession. In case of any vacancy occurring in said board in the term of any member of said board, such vacancy shall be filled for such unexpired term by the Governor from names to be presented to him, within two months of the occurrence of such vacancy, by the Minnesota State Dental Association, in the same manner as hereinafter provided. It shall be the duty

of said Minnesota State Dental Association, after September 1st, 1889, annually, prior to August 10th, to present to the Governor the names of twice as many practicing dentists resident in this State as there are regular members to be appointed of said board, prior to September 1st, in the following year. All appointments by the Governor shall be made within twenty days of the submission of such names to him, and, if such names shall not be submitted to him within the allotted time, he shall make his appointments within twenty days from the expiration of the time allotted for such presentation of names from among the resident practicing dentists; *provided*, that nothing in this Act shall prevent the appointment of two members of said board from among the resident practicing dentists, not members of said Minnesota State Dental Association, if the Governor shall so elect.

SEC. 3. Said board shall choose at its first regular meeting, annually, one of its members President and one Secretary thereof, who, severally, shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hand and the seal of the said board. And after September 1st, 1889, said board shall meet regularly, at least twice in each year, to wit: On the first Tuesdays in April and October, and at such other times as may be deemed necessary by the board. Such meetings shall be held at the medical department of the University of the State of Minnesota. A majority of said board shall, at all times, constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection. And it is furthermore provided, that in the event of any member of said board absenting himself from two of its regular meetings consecutively, the board shall declare a vacancy to exist, which vacancy shall be filled by the means hereinbefore provided.

SEC. 4. It shall be the duty of the first board hereinbefore provided for to meet at the city of Duluth, in said State, on the second Tuesday in July, 1889, and elect officers, and, within ten days thereafter, to transfer to a register, to be provided by them for that purpose, the name, residence, and

place of business of each and every person, who, on the second Wednesday in July, 1889, and pursuant to an Act of the Legislature of the State of Minnesota, approved March 3d, 1885, shall be qualified to practice dentistry in the State of Minnesota, and who shall then be duly registered on the books of the board created by said Act of March 3d, 1885. No certificates of license to practice dentistry shall be issued after the second Wednesday in July, 1889, under said Act of March 3d, 1885. It shall be the duty of the said Secretary of the first board hereby created to send to each person so registered prior to August 5th, 1889, a certificate of his enregistration signed by the President and Secretary of such Board of Examiners.

SEC. 5. Any person, or persons, who shall desire to begin the practice of dentistry in the State of Minnesota on and after September 1st, 1889, shall file his name, together with an application for examination, with the Secretary of the State Board of Dental Examiners, and at the time of making such application shall pay to the Secretary of said board a fee of ten dollars, and shall present himself at the first regular meeting thereafter of said board, to undergo examination before that body. In order to be eligible for such examination such person shall present to said board his diploma from some dental college in good standing, and shall give satisfactory evidence of his rightful possession of the same; *provided also*, that the board may, in its discretion, admit to examination such other persons as shall give satisfactory evidence of having been engaged in the practice of dentistry ten years prior to the date of passage of this Act. Said board shall have the power to determine the good standing of any college or colleges from which such diplomas may have been granted. The examinations shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice dentistry. It shall include, written in the English language, questions on the following subjects: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, operative and surgical dentistry, mechanical dentistry, and also

demonstrations of their skill in operative and mechanical dentistry. All persons successfully passing such examinations shall be registered as licensed dentists in the board register provided for in section 4, and also receive a certificate of such enregistration, said certificate to be signed by the President and Secretary of the board. The examination fee shall in no case be refunded.

SEC. 6. Recipients of said certificate of enregistration shall present the same for record to the Clerk of the District Court of the county in which they reside, and shall pay a fee of fifty cents to said Clerk for the registration of the same. Said Clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one county to another in the State, before engaging in the practice of dentistry in such other county, shall obtain from the Clerk of the District Court of the county, in which said certificate of registration is recorded, a certified copy of such record, or else obtain a new certificate of registration from the Board of Examiners, and shall, before commencing practice in such county, file the same for record with the Clerk of the Court of the county to which he removes, and pay the Clerk for recording the same the fee of fifty cents. Any failure, neglect, or refusal on the part of any person holding such certificate or copy of record to file the same for record as hereinbefore provided, for six months from the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one dollar for the reissue of any certificate, and the Clerk of the District Court for any county shall be entitled to a fee of one dollar for making and certifying a copy of the record of any such certificate.

SEC. 7. All persons shall be said to be practicing dentistry within the meaning of this Act, who shall for a fee or salary, or other reward paid either to himself or to another person for operations or parts of operations of any kind, treat diseases or lesions of the human teeth or jaws or correct malpositions thereof. But nothing in this Act contained shall be taken to apply to Acts of *bona fide* students

of dentistry done in the pursuit of clinical advantages, under the direct supervision of a preceptor or a licensed dentist in this State, during the period of their enrollment in a dental college and attendance upon a regular, uninterrupted course in such college.

SEC. 8. Out of the funds coming into the possession of the board, the members of said board may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of their office, and mileage, at three cents per mile, for all distances necessarily traveled in going to and coming from meetings of the board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this Act, and no part of the salary or other expenses of the board shall ever be paid out of the State treasury. All moneys received in excess of said *per diem* allowance and mileage as above provided for, shall be held by the Secretary of said board as a special fund for meeting expenses of said board and carrying out the provisions of this Act, he giving such bond as the board may from time to time direct. And said board shall make an annual report of the proceedings to the Governor by the fifteenth of December of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this Act.

SEC. 9. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined not less than twenty dollars, nor more than one hundred dollars, or to be confined not less than one month or more than three months in the county jail, or both. And all fines thus received shall be paid into the common school fund of the county in which such conviction takes place.

SEC. 10. Any person who shall knowingly or falsely claim, or pretend to have or hold a certificate of enregistration, diploma, or degree granted by a society or by said board, or who shall falsely, and with the intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not being such graduate, shall be

deemed guilty of a misdemeanor, and shall be liable to the penalties provided in section 9 of this Act.

SEC. 11. Justices of the Peace and the respective municipal courts shall have jurisdiction over violations of this Act. It shall be the duty of the respective County Attorneys to prosecute all violations of this Act.

SEC. 12. Any person who shall be licensed under the provisions of this Act, and who shall practice dentistry under a false name, with intent to deceive the public, shall be liable to have said license revoked upon twenty days' notice of such proposed revocation, and of the time and place of considering such revocation by order of the State Board of Dental Examiners. And any person who, after revocation of his license, shall continue to practice dentistry in the State of Minnesota, shall be deemed guilty of a violation of the provisions of this Act, and shall be subject to the penalties provided therein. Nor shall a certificate to a person under one name be any defense to an action brought against him for practicing without a certificate under another, unless it be shown that such practice under such other name was done without intent to defraud or deceive.

SEC. 13. Every registered dentist shall in each and every year after 1889 pay to said Board of Examiners the sum of one dollar as a license fee for such year. Such payment shall be made prior to May 1st in each and every year; and in case of default in such payment by any person, his certificate may be revoked by the Board of Examiners upon twenty days' notice of the time and place of considering such revocation. But no license shall be revoked for such non-payment, if the person so notified shall pay before or at such consideration his fee and such penalty as may be imposed by said board; *provided*, that said board may impose a penalty of five dollars, and no more, on any one so notified, as a condition of allowing his license to stand; *provided further*, that said Board of Examiners may collect any such dues by suit.

SEC. 14. The Board of Examiners created by this Act may sue or be sued, and in all actions brought by or against it, it shall be made a party under the name of the Board of

Dental Examiners of the State of Minnesota. And no suit shall abate by reason of any change in the membership of said board.

SEC. 15. Chapter 199 of the General Laws of 1885, being an Act, entitled "An Act to Insure the Better Education of the Practitioners of Dental Surgery, and to Regulate the Practice of Dentistry in the State of Minnesota," approved March 3d, 1885, is hereby repealed, such repeal to take effect September 1st, 1889.

SEC. 16. All effects and property whatsoever of the Board of Dental Examiners created by said Act of March 3d, 1885, shall on said first day of September, 1889, be and become the property of the Board of Examiners created by this Act, and said board hereby created is hereby declared to be the legal successor of the board created by said Act of March 3d, 1885.

SEC. 17. This Act shall take effect and be in force from and after its passage.

MISSISSIPPI.

An Act to Regulate the Practice of Dentistry in the State of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be unlawful for any person, who is not, at the time of the passage of this Act, engaged in the practice of dentistry, to begin such practice, unless such person shall have received a diploma from the faculty of some reputable dental college, duly authorized by the laws of this State, or some other of the United States or of some foreign country, in which college, granting such diploma, there was, at the time of such grant, annually delivered a full course of lectures and instructions in dental surgery, and unless such person shall also comply with the other provisions of this Act; *provided, however*, that the provisions of this Act shall not apply to any person holding the diploma

of Doctor of Medicine from any reputable medical college; *and provided further*, that nothing in this Act shall be so construed as to prohibit any person from extracting teeth.

SEC. 2. That a Board of Dental Examiners, consisting of five practicing dentists, be hereby created, whose duty it shall be to carry out the purposes, and enforce the provisions of this Act. The members of said Board of Dental Examiners shall be appointed and commissioned by the Governor of this State. Their term of office shall be for five years, excepting that the members of the Board of Examiners first appointed shall be appointed for one, two, three, four and five years, respectively, as designated by the Governor, until their respective successors shall be duly appointed and commissioned. Any vacancy occurring in the said Board of Examiners may be filled by the Governor at any time.

SEC. 3. That said Board of Dental Examiners shall elect one of their number President and one the Secretary thereof, and shall meet at least once a year at the State Capitol, always giving thirty days' previous notice of such meeting, by publication in some public newspaper, published in the city of Jackson. A majority of said board shall constitute a quorum. Full minutes of their proceedings shall be kept, which shall be always subject to public inspection as any other public records.

SEC. 4. That every person engaged in the practice of dentistry in this State shall, within ninety days from the date of approval of this Act, cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a suitable book for that purpose, and every person who shall be so registered, may continue the practice of dentistry in this State, without incurring the penalties provided for in this Act.

SEC. 5. That any person now engaged in the practice of dentistry in this State, failing to register as provided for in section 4 of this Act, shall not be permitted to continue such practice until such person shall have been examined by said Board of Examiners, and regularly licensed in accordance with the provisions of this Act.

SEC. 6. That if the said Board of Examiners shall willfully fail, or refuse, to register any name presented to them within the time, and in pursuance of section 4 of this Act, and issue a certificate to such person, the members of said Board of Examiners so failing, or refusing, shall be guilty of a misdemeanor, and, upon conviction, be punished accordingly.

SEC. 7. That any person who may desire to do so, and being of lawful age and good moral character, may appear before said Board of Examiners at any of its meetings, regular or called, and be examined touching such applicant's knowledge, skill, and proficiency in dental surgery; and, upon such examination proving satisfactory, said Board of Examiners shall issue a license, signed by the President, and countersigned by the Secretary, to such applicant, to practice dentistry in this State. And such license shall be impressed with the seal of the Mississippi State Dental Association. Any graduate of any reputable dental college may obtain at any time, without examination, such license, upon presentation of his diploma, and the payment of a fee of two dollars to said Board of Examiners.

SEC. 8. That any member of said Board of Examiners may issue a temporary license to any applicant, after a satisfactory examination, touching the skill and proficiency of the applicant, the license to remain effective only until the next regular meeting of the board; *provided*, that no such temporary license shall be granted to any applicant who has been rejected by the Board of Examiners.

SEC. 9. That said Board of Examiners may charge, and collect, from any person appearing before them for examination for license to practice dentistry, a fee of five dollars; and for every license issued to graduates from dental colleges, a fee of two dollars, as hereinbefore provided; and all such fees shall be paid over into the treasury of the Mississippi State Dental Association. Out of the fund thus created, said Board of Examiners may receive such compensation as may be fixed by said State Dental Association, subject to be changed, from time to time, as said association may deter-

mine. But no part of such compensation, or any of such expenses, shall ever be paid out of the State Treasury.

SEC. 10. That any person licensed by said Board of Examiners, shall, before beginning to practice dentistry, pay the privilege tax which may be required by the General Statutes of this State, and have his license from said Board of Examiners recorded in the deed records of every county in which he may desire to practice his profession.

SEC. 11. That any violation of the provisions of this Act shall be a misdemeanor, and punishable as such, the fine in no case being less than ten dollars.

SEC. 12. That this Act take effect from and after its passage.

Approved February 25th, 1882.

Following is the text of an Act amendatory and supplemental to an Act entitled, "An Act to regulate the practice of dentistry in the State of Mississippi," approved February 25th, 1882:

"SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That from and after the passage of this Act, it shall not be lawful for any person, whether a graduate of a dental college or not, to begin the practice of dentistry in this State of Mississippi, unless such person shall have first been examined and obtained a license from the 'Board of Dental Examiners,' duly authorized and appointed under the provisions of an Act entitled, 'An Act to regulate the practice of dentistry in this State,'" approved February 25th, 1882, etc.

Approved February 21st, 1890.

MISSOURI.

An Act to Regulate the Practice of Dentistry in the State of Missouri.

SECTION 1. *Be it enacted by the General Assembly of the State of Missouri, as follows:* It shall be unlawful for any person to practice dentistry, or dental surgery, in the State of

Missouri, without first having received a diploma from a reputable dental college, or a university, duly incorporated or established under the laws of some one of the United States, or of a foreign government; *provided*, that nothing in section 1 of this Act shall apply to any *bona fide* practitioner of dentistry, or dental surgery, in this State at the time of the passage of this Act; *and provided*, that nothing in this Act shall be so construed as to prevent physicians, surgeons or others from extracting teeth.

SEC. 2. Every person who shall hereafter engage in the practice of dentistry, or dental surgery, in this State, shall file a copy of his diploma with the Clerk of the County Court in the county in which he resides, and in the city of St. Louis with the City Register, which copy shall be sworn to by the party filing the same, and the Clerk shall give a certificate of such fact, with the seal of the County Clerk attached thereto, to such party filing the copy of his diploma, and shall file and register the name of the person, the date of filing, and the nature of the instrument, in a book to be kept by him for that purpose, and as a compensation for his services, the said Clerk for filing and registering the same, shall receive a fee of one dollar, to be paid by the person filing the diploma.

SEC. 3. Every *bona fide* practitioner of dentistry, or dental surgery, residing in this State at the time of the passage of this Act, and desiring to continue the same, shall, within ninety days after the passage of this Act, file an affidavit of the said facts with the Clerk of the County Court of the county in which he resides, or with the City Register of the city of St. Louis, if he resides in the city of St. Louis; and the said Clerk, or Register, as the case may be, shall register the name of and give a certificate to the party filing the affidavit, in like manner and of like effect, as hereinbefore provided, and for such services shall receive a fee of one dollar, to be paid by the party filing the affidavit.

SEC. 4. All certificates issued under the provisions of this Act shall be *prima facie* evidence of the right of the holder to practice under this Act, which right it shall be incumbent

upon the holder to prove under all prosecutions under this Act.

SEC. 5. Every person violating any of the provisions of this Act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than twenty-five nor more than two hundred dollars, for each offense; and all fines so collected shall belong to and be paid into the common school fund of the county where the offense was committed.

Passed at Jefferson City, Missouri, April 2nd, 1883.

NEBRASKA.

An Act to Regulate the Practice of Dentistry, and Punish Violation thereof, in the State of Nebraska.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That it shall be unlawful for any person to practice dentistry or dental surgery in the State of Nebraska without first having received a diploma from a reputable dental college or university duly incorporated or established under the laws of some one of the United States or some foreign government; *provided*, that nothing in section 1 of this article shall apply to any *bona fide* practitioner of dentistry or dental surgery in this State at the time of the passage of this Act; *and provided*, that nothing in this Act shall be so construed as to prevent physicians or surgeons from extracting teeth.

SEC. 2. Every person who shall hereafter engage in the practice of dentistry or dental surgery in this State, shall file a copy of his or her diploma with the County Clerk of the county in which he or she resides, which copy shall be sworn to by the party filing the same; and the Clerk shall give certificate of such fact, with the seal of the county attached thereto, to such party filing the copy of his or her diploma, and shall

file and register the name of the person, the date of the filing, and the nature of the instrument in a book to be kept by him for that purpose, and as a compensation for his services the said Clerk for filing and registering the same shall receive a fee of one dollar, to be paid by the person filing the diploma.

SEC. 3. Every *bona fide* practitioner of dentistry or dental surgery residing in this State at the time of the passage of this Act, and desiring to continue the same, shall, within ninety days after the passage of this Act, file an affidavit of said facts as to the length of time he or she has practiced in this State with the County Clerk of the county in which he or she resides; and the said Clerk shall register the name of and give a certificate to the party filing the affidavit, in like manner and of like effect as hereinbefore provided, and for such service shall receive a fee of one dollar, to be paid by the party filing the affidavit.

SEC. 4. All certificates issued under the provisions of this Act shall be *prima facie* evidence of the right of the holder to practice under this Act.

SEC. 5. Every person violating the provisions of this Act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars nor more than two hundred dollars, for each and every offense, or be imprisoned in the county jail for sixty days, or both fine and imprisonment at the discretion of the court, and all fines collected shall belong to and be paid into the common school funds of the county where the offense was committed.

SEC. 6. Any person who shall have filed his or her affidavit or diploma, as required in sections 2 and 3 of this Act, in one county and remove to another county, shall, before entering upon the practice of his or her profession in such last-named county, procure a certified copy of the record of his or her former registry, and cause such transcript to be filed and recorded in the dental register of such county in which he or she has removed.

Approved by the Governor March 23d, 1887.

NEW HAMPSHIRE.

The Following are Sections of the General Laws of the State of New Hampshire Relating to the Practice of Dentistry:

SECTION 3. It shall not be lawful for any person, who is not duly authorized to practice medicine or surgery, to practice dentistry, unless such person has received a dental degree from some college, university, or medical school authorized to confer the same, or shall have obtained a license from the New Hampshire Dental Society.

SEC. 4. Said dental society shall, at such time and in such manner as may be prescribed in its charter or by-laws, elect a board of censors, consisting of three members, who shall be elected for such term as may be prescribed by the society; which board shall have authority to examine and license persons to practice dentistry. The license shall be recorded by the clerk of said society.

SEC. 5. No person receiving a license as herein provided shall be authorized to practice until he shall have procured the same, to be recorded by the Clerk of the Court in the county where he resides, if a resident of this State; if not a resident of this State, in the county where he intends to practice. Such license shall be recorded in a book provided for that purpose, and which shall bear the title and inscription of the Medical and Dental Register of ——— county, and the fee for recording the same shall be fifty cents.

SEC. 6. Each person receiving a license upon examination shall pay for the use of the society granting the same the sum of five dollars; upon diploma, one dollar.

SEC. 7. If any person shall practice medicine, surgery, midwifery, *or dentistry*, without being duly authorized as provided in this chapter, or after his license is revoked, he shall be punished by a fine of not more than three hundred dollars for each offense.

Following is the text of a bill, entitled "An Act to Establish a Board of Registration in Dentistry," for the State of New Hampshire.

Section 1. *Be it enacted by the Senate and House of Representatives, in General Court convened*, That the Governor, with the advice and consent of the Council, shall appoint three skilled dentists, of good repute, residing and doing business in the State, who shall constitute a Board of Registration in Dentistry; but no person shall be eligible to serve on said board, unless he shall have been regularly graduated from some reputable medical or dental college duly authorized to grant degrees in dentistry, or shall have been engaged in the practice of dentistry for a period of not less than ten years previous to his appointment. The term for which the members of said board shall hold their office shall be three years, except that one of the members of the board first to be appointed shall hold his office for the term of one year, one for the term of two years, and one for the term of three years respectively, and until their successors shall be duly appointed and qualified. Any vacancy occurring in said board shall be filled by the Governor in conformity with this section; and any member of the board may be removed from office for cause by the Governor, with the advice and consent of the Council.

Sec. 2. The board shall choose from its members a President and Secretary, and it shall meet at least once in each year. Two of said board shall constitute a quorum.

Sec. 3. Within six months from the time this Act takes effect, it shall be the duty of every person who is at that time engaged in the practice of dentistry in this State, or who has received a dental degree from some college, university, or medical school authorized to confer the same, or who shall have obtained a license from the New Hampshire Dental Society, to cause his name, residence, and place of business to be registered with said board, who shall keep a book for that purpose. The statements of every person shall be veri-

fied under oath in such manner as may be prescribed by the board. Every person who shall so register with said board, as a practitioner of dentistry shall receive a certificate to that effect, and may continue to practice without incurring any of the liabilities or penalties provided in this Act.

Sec. 4. All persons not provided for in section three may appear before said board at any of its regular meetings, and be examined with reference to their knowledge and skill in dentistry and dental surgery; and the board shall issue to such persons as it finds to possess the requisite qualifications a certificate to that effect.

Sec. 5. The said board shall charge each person receiving a certificate the sum of fifty cents, and each person appearing before them for examination for a certificate of qualification a fee of five dollars, in case such certificate shall be granted. Any person failing to pass a satisfactory examination shall be entitled to be re-examined at any future meeting of the board. The board shall make an annual report of its proceedings to the Governor by the thirty-first day of December in each year. All fees received by the board shall be paid annually by the Secretary of the board into the treasury of the State.

Sec. 6. The compensation and all necessary expenses of the board shall be paid from the treasury of the State. The compensation of the board shall be five dollars each for every day actually spent in the discharge of their duties, and their necessary expenses in attending the meetings of the board. Such compensation and expenses shall be approved by the board and sent to the State Treasurer, who shall certify to the Governor and Council the amounts due; *provided*, that the amount so paid shall not exceed the amount received by the Treasurer from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses aforesaid.

Sec. 7. Any person who shall falsely claim or pretend to have or hold a certificate of license granted by any board organized under this Act, or who shall falsely, and with intent to deceive the public, claim or pretend to be a gradu-

ate from any incorporated dental college, or who shall practice dentistry without obtaining a certificate as provided in this Act, or who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each and every offense.

SEC. 8. Nothing in this Act shall apply to any practicing physician who is a graduate from the medical department of any incorporated college.

SEC. 9. This Act shall take effect upon its passage, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

NEW JERSEY.

An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the State of New Jersey.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this Act it shall be unlawful for any person to engage in the practice of dentistry in the State of New Jersey, unless said person has graduated and received a diploma from the faculty of a dental college chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a Board of Dentists duly authorized and appointed by this Act to issue such certificates.

SEC. 2. That the Board of Examiners shall consist of five practitioners of dentistry, who are members in good standing of the New Jersey State Dental Society; *provided*, that said practitioners have been practicing in the State of New Jersey for a term of not less than three years; said board shall be elected by the New Jersey State Dental Society to serve for one year; the President of said New Jersey

State Dental Society shall have power to fill all vacancies in said board for unexpired terms.

Sec. 3. That it shall be the duty of this board, first, to meet annually at the time of meeting of the New Jersey State Dental Society, or oftener at the call of any three of the members of said board; thirty days' notice must be given of the annual meetings. Secondly, to prescribe a course of reading for those who study dentistry under private instruction. Thirdly, to grant a certificate to all applicants who undergo a satisfactory examination. Fourthly, to keep a book in which shall be registered the names of all persons having certificates to practice dentistry in the State of New Jersey after the passage of this Act.

Sec. 4. That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal, shall be evidence in any court in the State.

Sec. 5. That three members of said board shall constitute a quorum for the transaction of business; and should a quorum not be present on the day appointed for their meeting, those present may adjourn from day to day until a quorum is present.

Sec. 6. That any person who shall, in violation of this Act, practice dentistry in the State of New Jersey for a fee or reward, shall be liable to indictment, and, on conviction, shall be fined not less than fifty nor more than three hundred dollars; *provided*, that nothing in this Act shall be construed to prevent any person from extracting teeth; *and provided further*, that none of the provisions of this Act shall apply to regular licensed physicians and surgeons.

Sec. 7. That on trial of such indictment, it shall be incumbent on the defendant to show that he has authority, under the law, to practice dentistry, to exempt himself from such penalty.

Sec. 8. That one half of all fines collected shall inure to the informer, and the other half to the educational fund of the county.

Sec. 9. That nothing in this Act shall apply to persons who

shall be engaged in the practice of dentistry in this State at the time of the passage of this Act.

SEC. 10. That to provide a fund to carry out the provisions of the third section of this Act, it shall be the duty of the Board of Examiners to collect from all who receive the certificate to practice dentistry the sum of thirty dollars each; of which sum, if there be any remaining after liquidating necessary expenses, the balance shall be paid into the treasury of the said New Jersey State Dental Society, to be kept as a fund for the more perfect carrying out of the provisions of this Act; and the Board of Examiners for their remuneration shall receive from the above fund ten dollars per day for each day of actual service.

SEC. 11. That this Act shall take effect immediately.

Approved March 14th, 1873.

The following amendment to the dental law of New Jersey has been passed by the Legislature and signed by the Governor of that State:

A Supplement to an Act entitled "An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the State of New Jersey," approved March fourteenth, one thousand eight hundred and seventy-three.

SECTION. 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the first section of the Act to which this is a supplement, shall be amended so as to read, as follows:

"SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this Act, it shall be unlawful for any person, not now lawfully practicing, to engage in the practice of dentistry in the State of New Jersey, unless said person has graduated and received a diploma from the faculty of a reputable dental college chartered under the authority of some one of the United States; and that any person hereafter engaging in the practice

of dentistry in the State shall, within one month after commencing such practice, register his name in a book kept for that purpose in the County Clerk's office of the county in which he shall have engaged in the practice of dentistry, giving his name, and the name of the dental college of which he is a graduate, and the name of the place in which he shall have engaged in practice; and for which registry the said County Clerk shall be entitled to demand and receive from each person registering the sum of fifty cents; and any person violating any of the provisions of this Act shall be liable to the penalties prescribed in the sixth section of the Act to which this is a supplement."

The Following Supplement to an Act entitled "An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the State of New Jersey," was passed February 10th, 1880:

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the State of New Jersey, unless said person has pursued a regular course of instruction for at least one year in a reputable dental college chartered under the authority of some one of the United States or foreigh governments, and has graduated and received a diploma from such college, or unless the said person shall have obtained a certificate from a Board of Dentists duly authorized and appointed by this Act to issue such certificates, and shall have registered his name and the name of the said dental college or Board of Dentists in the County Clerk's office of the county in which he shall have engaged in the practice of dentistry, within one month after commencing such practice, in a book to be provided and kept for that purpose in the several County Clerks' offices of the several counties of this State; and for which registry the said County Clerk shall be entitled to demand and receive from each person registering the sum of fifty cents; and any person violating any of the provisions of this Act shall be liable to the penalties pre-

scribed in the sixth section of the Act to which this is a supplement.

SEC. 2. That this Act shall take effect immediately.

THE NEW DENTAL LAW OF NEW JERSEY.

An Act to Regulate the Practice of Dentistry in the State of New Jersey, which was signed by the Governor April 7th, 1890, and is now in force.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That a board or commission to be known as the State Board of Registration and Examination in Dentistry is hereby created, to consist of five resident and practicing dentists, whose duty it shall be to carry out and enforce the provisions of this Act; the present members of the Board of Dental Examiners appointed and now existing under the Act of the Legislature of this State, entitled "An Act to regulate the practice of dentistry, and to protect the people against empiricism in relation thereto, in the State of New Jersey," approved anno domini one thousand eight hundred and seventy-three, shall constitute the first members of said board or commission, and shall hold office until the first Tuesday in October next, and until their successors are appointed, as hereinafter provided; the New Jersey State Dental Society shall, at its next annual meeting, recommend to the Governor five dentists of good repute, residing and practicing in this State, whom the Governor shall appoint members of said board or commission to fill the vacancies occurring on the first Tuesday in October next, as hereinbefore provided; the members of said board or commission shall be appointed for the term of five years and until their successors are duly appointed, except that of the members thereof first to be appointed upon recommendation of said society; one shall hold office until the first Tuesday in October next; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-one; one until the first Tuesday in October, anno domini one thousand

eight hundred and ninety-two; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-three, and one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-four; and the members so first appointed as aforesaid shall immediately, upon their appointment, determine by lot the period for which each member shall hold office; it shall be the duty of the New Jersey State Dental Society, at each annual meeting after the next, to recommend to the Governor a dentist in good repute, residing and practicing in this State, whom the Governor shall appoint to fill the vacancy in the said board occurring in the year in which such meeting is held; vacancies occurring in the term of any member, or members, shall be filled for the unexpired term or terms only, in the same manner, upon recommendation to be made by said society; the Governor may remove any member of said board for good cause shown, upon recommendation of the New Jersey State Dental Society.

Sec. 2. That immediately after the passage of this Act, the present members of the Board of Examiners shall meet and organize as the State Board of Registration and Examination in Dentistry, under this Act, by the election from their number of a President and Secretary, who shall severally hold office until the first Tuesday in October next, and until their successors are elected; the board shall annually elect from its number a President and Secretary, who shall have the power, during their term of office, to administer oaths and take affidavits, certifying thereto, under their hands and the seal of the said board; said board shall hold at least two meetings in each year, for the purpose of examining and licensing persons to practice dentistry in this State; three of said board shall constitute a quorum, and its proceedings shall, at all reasonable times, be open to public inspection; said board shall make an annual report of its proceedings to the Governor on or before the thirty-first day of December, in each year; the board shall adopt rules for its own government, and rules for the examination and licensing practitioners of dentistry in this State; the examination of

applicants for license to practice shall be confined to written or oral examination, or both written and oral, upon subjects properly relating to the science of dentistry, and a knowledge of which is necessary to the proper and skillful practice of said science; the said board may also require from applicants, as part of the examination, demonstrations of their skill in operative and mechanical dentistry; and any rule altering the nature of the examination and increasing the severity thereof, or the subjects to be included therein, shall not be enforced at any examination held within six months after its adoption and public promulgation; said board shall have the power to determine the good standing and repute of any college or colleges, and may, from time to time, designate in some public manner colleges whose diplomas will be received by it; the said board shall announce in the leading dental journals, from time to time, its regular stated times for holding examinations; it shall also cause to be published, at least once, in such journals, the rules and amendments thereto adopted for the examination and licensing of practitioners, and the mode and terms of application for examining and license, which shall, in all cases, be reasonable and fair; said board shall adopt a common seal, and may sue or be sued, and in all actions brought by or against it, it shall be made a party under the name of the State Board of Registration and Examination in Dentistry.

Sec. 3. That it shall be the duty of every person lawfully practicing, or entitled to practice dentistry in this State at the time of the passage of this Act, to apply to said board, before the first day of January, anno domini one thousand eight hundred and ninety-one, to cause his name, residence, and place of business to be registered in a book to be kept for that purpose by the secretary of said board; and the said board shall issue to each person registered by it a certificate under its seal and the hand of its President and Secretary, setting forth that such person was, at the time of the passage of this Act, lawfully entitled, by the laws of this State, to practice dentistry and is duly registered; the said board, for good cause shown, may register and issue its certificates

thereof, to any person applying therefor after said first day of January, anno domini one thousand eight hundred and ninety-one, provided it shall appear to the satisfaction of said board that the person so applying was lawfully practicing or entitled to practice dentistry at the time of the passage of this Act, and that the refusal to issue such certificate will work hardship to said person so applying; the said board may demand from any person applying for registration and certificate proof of his right to the same under this Act, and may refuse to grant registration and certificate thereof to any person not lawfully entitled thereto.

SEC. 4. That any person aggrieved by such action of said board may apply, within sixty days after such refusal by said board, to the Supreme Court of this State for its writ of mandamus to compel said board to register and issue its certificate to him; and in case any Judge of said court shall issue or allow on such application an order on said board to show cause, no suit for the collection of any penalty for violation of this Act shall be instituted against such person until the final hearing and determination of such application.

SEC. 5. That any person who may desire to begin the practice of dentistry in this State after the passage of this Act, shall file his name, together with an application for examination, in the form provided for by the rules of said board, with the secretary of said board, and at the time of making such application shall pay to the secretary of said board a fee of twenty-five dollars, and present himself for examination at the first regular meeting of the board thereafter for examination and licensing of practitioners in dentistry, due notice of which meeting shall be given him; the examination fee shall in no case be refunded, but should any applicant, from sickness or other good cause appearing to the satisfaction of the board, fail to attend such examination, or should any person appearing fail to pass successfully the examination, such person so failing to appear or failing to pass shall be admitted to any subsequent examination or examinations without the payment of further or other fee; every applicant for examination shall, with his application, submit to the said

board, as a prerequisite to examination, a diploma of graduation from a dental college recognized by said board as in good standing and repute, and proof, if the board shall so require, that the same was regulary issued and conferred upon the holder in due course; or, if not a graduate of a dental college, a certificate under oath from a reputable and duly authorized dentist that he has studied with and under such dentist as a student for not less than five years continuously; all persons successfully passing such examination shall be registered as licensed dentists in a book, to be kept by the Secretary of the board for that purpose, and shall receive from said board a certificate under the seal of said board and the hand of its President and Secretary, that the person named therein is lawfully authorized and licensed to practice dentistry in this State; such certificate, lawfully and regularly issued, shall be evidence in any of the courts of this State of the right of the person named therein to practice dentistry in this State.

Sec. 6. That from and after the passage of this Act, any person desiring to study denristry in this State with any duly authorized dentists, for the purpose of presenting himself for examination and license as a practitioner of dentistry in this State at the expiration of his term of study, shall cause his name and residence, and the name and residence of his preceptor, to be registered with such board, and his term of study shall commence and date only from such registration; any person so registered as a student may perform mechanical work in the office of his preceptor, but no student shall perform any operation upon the mouth or jaw of any person, save in the presence and under the supervision of his preceptor, under penalty of revocation of his registration as a student and such further penalty as is hereinafter provided for unlawful practice of dentistry in this State.

Sec. 7. That it shall be unlawful for any person, not now by the laws of this State authorized, hereafter to practice dentistry in this State, save after examination and license by the said State Board of Registration and Examination in Dentistry, and no person shall be examined by said board for license, unless he is, at the time of such examination, a

graduate or the holder of a diploma of graduation from a dental college recognized as in good repute by said board, or shall have studied with a reputable dentist for five years continuously preceding his application for examination.

SEC. 8. That out of the funds coming into the possession of said board shall be paid the expenses of said board incurred in carrying out the provisions of this Act, and mileage to each member, at the rate of five cents per mile for all distance necessarily traveled in discharge of his duties; no part of the mileage or other expenses of the board shall ever be paid out of the State treasury; all moneys received shall be held by the Secretary of the board, and paid out only upon resolution of the board and warrant of its president, and the secretary shall give bond in such sum as the board shall, from time to time, direct, with good and sufficient surety, to be approved by the board; and the said board shall, in its annual report to be made to the Governor, submit a statement of all moneys received and disbursed by it during the period covered by said report.

SEC. 9. That any person, not now lawfully practicing or entitled to practice dentistry by the laws of this State, who shall practice dentistry in this State after the passage of this Act without having first obtained from said Board of Registration and Examination in Dentistry a certificate of license to practice in accordance with the provisions of this Act, shall forfeit and pay the sum of three hundred dollars for each and every offense; any person lawfully practicing or entitled to practice dentistry under the laws of this State, who shall, after the first day of January, anno domini one thousand eight hundred and ninety-one, practice dentistry in this State without having first obtained from said Board of Registration and Examination in Dentistry a certificate of registration, in accordance with the provisions of this Act, shall pay the sum of fifty dollars for each and every offense; any person who shall knowingly or falsely, and with the intent to deceive the public, claim or pretend to have or hold a certificate of registration or of license granted by said board, or who shall falsely, and with the intent to deceive said board,

claim or pretend to be a graduate or the holder of a diploma of graduation from any dental college, not being such graduate or rightfully holding or entitled to such diploma, shall forfeit and pay the sum of three hundred dollars; any person to whom a certificate of registration or of license shall be issued under the provisions of this Act, and who shall practice dentistry under a false name, with intent to deceive the public, shall be liable to have such certificate revoked, upon twenty days' notice of such proposed revocation, and of the time and place of considering such revocation, by order of the said board; and any person who, after such revocation of his certificate, shall continue to practice dentistry in this State, shall forfeit and pay the sum of three hundred dollars; a certificate of registration or of license granted to a person under one name shall not be pleaded as a defense to an action brought against him for practicing without a certificate under another name; each and every separate act of dentistry performed by any person, in violation of any of the provisions of this Act, shall be deemed and taken to be a distinct and separate offense; this Act shall not be construed to prevent any person from extracting teeth, or to apply to any surgical operation performed by any regular licensed physician or surgeon.

SEC. 10. That the penalties imposed and the sums to be forfeited in and by the preceding section of this Act shall be sued for and recovered, with costs of suit, in an action of debt, to be brought by the Board of Registration and Examination in Dentistry before any Judge of any City District Court in or Court of Common Pleas of the county wherein such offense shall have been committed, or in any county wherein such offender may reside; one-half of such penalty or forfeit money shall be for the use of the State Board of Registration and Examination in Dentistry, and one-half shall be paid into the treasury of the State for the use thereof; and in case the defendant shall fail or neglect to pay the amount recovered against him, with costs, the Judge or Court before whom judgment has been obtained shall issue his process against the body of the defendant, and cause him to be committed to the jail of the county in which the judgment is obtained until

the judgment and costs are paid; the imprisonment, however, shall not exceed four calendar months from the date of such commitment.

SEC. 11. That the Act of the Legislature of this State, entitled "An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the State of New Jersey," approved March the fourteenth, anno domini one thousand eight hundred and seventy-three, the supplement thereto approved February seventeenth, anno domini one thousand eight hundred and eighty, and the supplement thereto approved March the twenty-seventh, anno domini one thousand eight hundred and eighty-four, and all Acts and parts of Acts inconsistent herewith, be and the same hereby are repealed.

SEC. 12. That this Act shall take effect immediately.

NEW YORK.

An Act to Incorporate Dental Societies for the Purpose of Improving and Regulating the Practice of Dentistry in this State.

SECTION 1. *The People of the State of New York, represented in Senate and Assembly, do enact, as follows:* It shall be lawful for the dentists in the several judicial districts of the Supreme Court of this State to meet together at the following named places, to wit: In District No. 1, at the Cooper Institute, in the city of New York; District No. 2, at the City Hall, in the city of Brooklyn; District No. 3, at the Delavan House, in the city of Albany; District No. 4, at the Clarendon Hotel, Saratoga Springs; District No. 5, at the Stanwix Hall Hotel, in the village of Rome; District No. 6, at the Lewis House, in the village of Binghamton; District No. 7, at the Canandaigua Hotel, in the village of Canandaigua; District No. 8, at the Medical Hall, in the city of Buffalo—on the first Tuesday of June, eighteen hundred and sixty-eight, at two o'clock in the afternoon of that day; and

such dentists so convened as aforesaid, or any part of them not less than fifteen in number, shall proceed to the choice of a President, Vice-President, Secretary, and Treasurer, who shall hold their offices for one year and until others shall be chosen in their places; and whenever said societies shall be organized as aforesaid, they are hereby constituted bodies corporate in fact and under the names of the "District Dental Society" of the respective judicial districts where they shall be located; *provided always*, that if the dentists residing in any district shall not meet and organize themselves as aforesaid, it shall be lawful for them, at the call of fifteen dentists residing in such district, to meet at such other time and place as they shall designate, and their proceedings shall be as valid as if such meeting had been at the time before specified.

Sec. 2. Each of said district societies, when organized as aforesaid, shall elect eight delegates, who shall meet at the Capitol, in the city of Albany, on the last Tuesday of June, eighteen hundred and sixty-eight, and proceed to organize a State Dental Society, which shall be named "The Dental Society of the State of New York," and, being met, not less than thirty-three in number, shall proceed to elect, and shall thereafter annually elect, a President, Vice-President, Secretary, and Treasurer, who shall hold their offices for one year and until others shall be chosen in their places; and said society shall be a body corporate under the name and style as aforesaid.

Sec. 3. The Secretaries of each of the district societies shall lodge in the County Clerk's office of some county within their district, a copy of all the proceedings and records of their organization; and it shall also be the duty of the Secretary of the State Dental Society in like manner to lodge in the office of the Secretary of State a copy of its records and proceedings had at the organization thereof; and the said County Clerks respectively, and the Secretary of State, shall file the same in their respective offices, and shall receive therefor a fee of ——.

Sec. 4. At the first meeting of said State Dental Society, the same being duly organized as aforesaid, the delegation

from each district society shall be divided into four classes of two delegates each, who shall serve one, two, three, and four years respectively, and until others shall be elected in their places; and the said district societies, at each annual meeting thereafter, shall choose two delegates to the State society, to serve each four years, and fill all vacancies in their respective delegations that may have occurred by death or otherwise.

Sec. 5. Each of the incorporated dental colleges of this State may annually elect two delegates to the State Dental Society, who shall be entitled to all the privileges and subject to the same rules and regulations as other delegates.

Sec. 6. The said State Dental Society may elect permanent members of said society from among eminent dentists residing in this State, but not to exceed twenty in number, at its first meeting, nor more than five in any one year thereafter; which members, so elected, shall be entitled to all the privileges of delegate members, but shall receive no compensation for their attendance on meetings of the State society, except when sent as delegates by the district societies or colleges as aforesaid. And the said State society may elect honorary members from any State or country; but no person shall be elected an honorary member who is eligible to regular membership, nor shall any honorary member be entitled to vote or hold any office in said society.

Sec. 7. The several district societies, established as aforesaid, at their annual meetings, shall appoint not less than three nor more than five censors, to continue in office for one year and until others are chosen, who shall constitute a Distinct Board of Censors, whose duty it shall be carefully and impartially to inquire into the qualifications of all persons who shall present themselves within the districts where they reside for examination, and report their opinion, in writing, to the President of said district society, who shall thereupon issue, on the recommendation of said Board of Censors, a certificate of qualification to such person or persons, countersigned by the Secretary and bearing the seal of the said district society.

Sec. 8. The State Dental Society, organized as aforesaid,

at its first meeting, shall appoint eight censors, one from each of the said district societies, who shall constitute a State Board of Censors; and at the first meeting of said board, the members shall be divided into four classes, to serve, one, two, three, and four years respectively; and said State Dental Society shall, at each annual meeting thereafter, appoint two censors, to serve each four years and until their successors shall be chosen, and fill all vacancies that may have occurred in the board by death or otherwise. Each district society shall be entitled to one, and only one, member of said board of censors. Said board of censors shall meet at least once in each year at such time and place as they shall designate; and, being thus met, they or a majority of them shall carefully and impartially examine all persons who are entitled to examination under the provisions of this Act, and who shall present themselves for that purpose, and report their opinion, in writing, to the President of said State Dental Society; and, on the recommendation of said board, it shall be the duty of the President aforesaid to issue a diploma to such person or persons, countersigned by the Secretary, and bearing the seal of said society.

Sec. 9. All dentists in regular practice at the time of the passage of this Act, and all persons who shall have received a diploma from any dental college in this State, and all students who shall have studied and practiced dental surgery with some accredited dentist or dentists for the term of four years, shall be entitled to an examination by said Board of Censors. Deductions from such term of four years shall be made in either of the following cases:

1. If the student, after the age of sixteen, shall have pursued any of the studies usual in the college of this State, the period, not exceeding one year, during which he shall have pursued such studies, shall be deducted.

2. If the student, after the age of sixteen, shall have attended a complete course of lectures in any incorporated dental or medical college in this State or elsewhere, one year shall be deducted.

Sec. 10. Every person on receiving a diploma from the

State Dental Society shall pay into the treasury thereof the sum of twenty dollars, and, on receiving a certificate of qualification from the dental society of any district, the sum of ten dollars into the treasury thereof.

Sec. 11. The dental societies of the respective districts and the dental society of the State may purchase and hold such real and personal estate as the purposes of their respective corporations may require—the district societies each not exceeding in value the sum of five thousand dollars, and the State Dental Society not exceeding twenty thousand dollars in value.

Sec. 12. The respective societies herein provided for may make all needful by-laws, rules, and regulations not inconsistent with any existing law, for the management of the affairs and property of said societies respectively, and providing for the admission and expulsion of members; *provided*, that such by-laws, rules, and regulations of the respective district societies shall not be repugnant to or inconsistent with the by-laws, rules, and regulations of the State Dental Society.

Sec. 13. All dentists who shall have been in regular practice in this State at the time of the passage of this Act, and all persons who shall have received a certificate of qualification from any district society, shall be eligible to membership in said district societies.

Sec. 14. The Dental Society of the State of New York shall be entitled to all the privileges and immunities granted to the medical societies of this State.

Sec. 15. This Act shall take effect immediately.

Approved April 7th, 1868.

An Act to amend an Act entitled "An Act to Incorporate Dental Societies, for the Purpose of Improving and Regulating the Practice of Dentistry in this State."

Section 1. *The People of the State of New York, represented in Senate and Assembly, do enact as follows*, That section 8 of the Act entitled "An Act to Incorporate Dental Societies, for the Purpose of Improving and Regulating the Practice

of Dentistry in this State," is hereby amended so as to read as follows:

"SEC. 8. The State Dental Society, organized as aforesaid, at its first meeting, shall appoint eight censors, one from each of the said district societies, who shall constitute a State Board of Censors; and at the first meeting of the said board, the members shall be divided into four classes, to serve one, two, three and four years respectively; and said State Dental Society shall, at each annual meeting thereafter, appoint two censors, to serve each four years and until their successors shall be chosen, and fill all vacancies that may have occurred in the board by death or otherwise. Each district society shall be entitled to one, and only one, member of said Board of Censors. Said Board of Censors shall meet at least once in each year at such time and place as they shall designate; and, being thus met, they or a majority of them shall carefully and impartially examine all persons who are entitled to examination under the provisions of this Act, and who shall present themselves for that purpose, and report their opinion, in writing, to the President of said State Dental Society; and, on the recommendation of the said board, it shall be the duty of the President aforesaid to issue a diploma to such person or persons, countersigned by the Secretary and bearing the seal of said society, conferring upon him the degree of 'Master of Dental Surgery' (M. D. S.); and it shall not be lawful for any other society, college, or corporation to grant to any person the said degree of 'Master of Dental Surgery.'"

SEC. 2. Any person who shall knowingly or falsely claim, or pretend to have or hold a certificate of license, diploma, or degree granted by any society organized under and pursuant to the provisions of this Act, or who shall falsely, and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not being such graduate, shall be deemed guilty of a misdemeanor.

SEC. 3. This Act shall take effect immediately.

The following Act is additional to legislation already had on the subject in the State of New York:

An Act for the Relief of Certain Persons Engaged in the Regular Practice of Dentistry in this State.

SECTION 1. *The People of the State of New York, represented in Senate and Assembly, do enact as follows,* That any person who was engaged in the regular practice of dentistry within this State on the twentieth day of June, eighteen hundred and seventy-nine, and who was entitled to registration as a dentist, as provided by the third section of chapter five hundred and forty of the laws of eighteen hundred and seventy-nine, entitled "An Act to Regulate the Practice of Dentistry in the State of New York," but who failed to cause his name to be registered as therein provided, and who shall make and file with the Clerk of the county in which he registers his affidavit to the effect that he was so engaged in such practice of dentistry and so entitled to registration, may, within sixty days after the passage of this Act, cause his name, office, and post-office address to be registered in the County Clerk's office in the manner provided in said third section of said Act; and such registration shall have like force and effect as if made within the time prescribed by said section of said Act. Any person who shall willfully make and file a false affidavit for the purpose of procuring such registration shall be subject to conviction and punishment for perjury.

SEC. 2. Every person hereafter authorized to practice dentistry within this State shall, before commencing to practice, register in the Clerk's office of the county where he intends to commence the practice of dentistry, in a book to be kept for that purpose, his name, office, and post-office address, together with the name of the society, college, or other authority from which he has received his diploma or certificate of qualification to practice dentistry.

SEC. 3. The Clerk of any county shall be obliged, upon the payment to him of the sum of twenty-five cents, to make the registry of any person provided for in the second section of this Act, which sum the Clerk is entitled to collect and receive from the person registering.

SEC. 4. This Act shall take effect immediately.

New York's Amended Dental Law.

The following is the amended dental law of the State of New York, which bears the following title: "Chapter 280: An Act to amend chapter five hundred and forty of the laws of eighteen hundred and seventy-nine, entitled 'An Act to Regulate the Practice of Dentistry in the State of New York.'" Having passed the Legislature, it received the signature of Governor Hill, May 10th, 1888. It reads as follows:

Section 1. *The People of the State of New York, represented in Senate and Assembly, do enact*, That Section one of chapter five hundred and forty of the laws of eighteen hundred and seventy-nine, entitled "An Act to Regulate the Practice of Dentistry in the State of New York," is hereby amended so as to read as follows:

"Sec. 1. It shall be unlawful for any person to practice dentistry in the State of New York for fee or reward, or to assist in the practice of dentistry as either agent or employé, unless he shall have received a proper diploma or certificate of qualification from the State Dental Society or from the faculty of a reputable dental or medical college, recognized as such by said society, and shall be duly registered and shall have received a certificate thereof, as provided in section three of this Act; *provided*, that persons who are engaged in the practice of dentistry in the State of New York on the twentieth day of June, eighteen hundred and seventy-nine, who shall comply with the requirements of section three of this Act, shall be otherwise exempt from the provisions of this section; and *provided further*, that nothing contained in this section shall prevent a student, who is pursuing a regular course of instruction, from assisting a person in the practice of dentistry qualified as hereinbefore provided. Any person who shall practice dentistry for fee or reward in this State, without having complied with the regulations of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars for each offense. All such fines shall be paid into the treasury of the county where such conviction

shall have taken place, for the benefit of the common schools of the county."

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

SEC. 3. Every person practicing dentistry within this State shall register in the office of the Clerk of the county where his place of business is located, and in the office of the Clerk of any county into which he shall remove his place of business, in a book to be prepared and kept by the Clerk for that purpose, giving his name, office, and post-office address and the date of such registration, and shall, on presenting to the County Clerk a certificate from the member of the State Board of Censors appointed by the State Dental Society for the judicial district in which such county is situated that he has received a proper diploma or certificate of qualification as provided in section one of this Act, be entitled to register and to receive a certificate of such registration upon the payment to the County Clerk of a fee of fifty cents.

SEC. 4. All Acts or parts of Acts inconsistent or in anywise conflicting with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

NORTH CAROLINA.

An Act to Regulate the Practice of Dentistry, and to Protect the People against Quackery in Relation thereto, in the State of North Carolina, and Providing Penalties for the Violation of the same.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person, except regularly authorized physicians and surgeons, to commence the practice of dentistry, unless said person has been graduated and received a diploma from the faculty of a reputable institution where this specialty is taught, and chartered under the

authority of some one of the United States, or of a foreign government, acknowledged as such, or shall have obtained a certificate from a Board of Examiners duly appointed and authorized by the provisions of this chapter to issue such certificate.

SEC. 2. The said Board of Examiners, hereinbefore provided for, shall consist of six members of the North Carolina Dental Society, to be elected by the said society at its next annual meeting, and shall hold office as follows: Two for one year, two for two years, and two for three years, or until their successors are elected. The said board shall also have power to fill all vacancies for unexpired terms, and they shall be responsible to said State society for their acts.

SEC. 3. The Board of Examiners shall meet annually at the time and place of the meeting of the Norh Carolina State Dental Society, and at such other times and places as the said board or any four members thereof shall agree upon, to conduct the examination of applicants, thirty days' notice of said meeting being given by advertising in at least three newspapers published in this State.

SEC. 4. Said board shall grant a certificate of proficiency in the knowledge and practice of dentistry to all applicants who shall undergo a satisfactory examination, and who shall receive a majority of votes of said board upon such proficiency, which certificate shall be signed by the members of the board conducting said examination, and shall bear the seal of the said North Carolina Dental Society; *provided*, that any person wishing to engage in the practice of dentistry at any time prior to the regular meeting of said board, may be examined by any one member of said board, and, if competent, may receive a temporary certificate, which shall be in force only until the next regular meeting; and no member of said board shall grant a temporary certificate a second time to the same person.

SEC. 5. Said board shall keep a book, in which shall be entered the names and proficiency of all persons to whom certificates shall be granted under the provisions of this chapter, and the date of granting such certificate, and the

book so provided shall be deemed a book of record, and a transcript of any such entry therein, certified to under the hand of the Secretary and seal of the North Carolina Dental Society, shall be admitted as evidence in any court, when the same shall be otherwise competent.

SEC. 6. Four members of said board shall constitute a quorum thereof for the transaction of business, and should a quorum not be present on the day appointed for the meeting of said board, those present may adjourn, from day to day, until a quorum is present.

SEC. 7. Any person who shall practice dentistry in this State without having first stood the examination, and obtained the certificate hereinbefore provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined twenty-five dollars; *provided*, that any person so convicted shall not be entitled to sue for, or recover, any fee or charge for dental service in any court, and any sum of money paid to a person so convicted, for dental service rendered, may be recovered by the person so paying the same, or his legal representative; *provided*, that no one applying for a license to practice dentistry shall be denied such license on account of race, color or previous condition of servitude.

SEC. 8. All fines and penalties so recovered shall be appropriated to the school fund of the county in which the same shall have been recovered.

SEC. 9. Nothing in this chapter shall apply to any person engaged in the practice of dentistry before the seventh day of March, one thousand eight hundred and seventy-nine, or to prevent any one from extracting teeth.

In February, 1883, the General Assembly amended section one, so it now reads thus:

"It shall be unlawful for any person, except regularly authorized physicians and surgeons, to commence the practice of dentistry, unless said person shall have obtained a certificate from a Board of Examiners duly appointed and authorized by the provisions of this chapter to issue such certificate."

NORTH (AND SOUTH) DAKOTA.

An Act to Revise and amend an Act entitled "An Act to Insure the Better Education of Practitioners of Dental Surgery, and to Regulate the Practice of Dentistry in the Territory of Dakota."

SECTION 1. *Be it enacted by the Legislative Assembly of the State of North Dakota*, That it shall be unlawful for any person who is not, at the time of the passage of this Act, lawfully entitled to practice dentistry in this State, pursuant to the provisions of the Act of which this Act is a revision and amendment, to practice or attempt to practice dentistry in this State, unless such persons shall have first received a license to practice dentistry from the Board of Dental Examiners, as hereinafter provided.

SEC. 2. A Board of Examiners, to consist of five practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said board shall be appointed by the Governor. The term for which the members of said board shall hold their offices shall be five years, except that the members of the board appointed by the Governor pursuant to the provisions of the Act to which this is an amendment, residing in North Dakota, and acting as such at the time this Act shall take effect, shall hold their respective offices until the close of the term for which they were respectively appointed. The offices of those living in South Dakota are hereby declared vacant and shall be filled as in case of any other vacancy. Any vacancy in said board, whether by removal, death, resignation, or otherwise, shall be filled by the Governor. No person who shall be in any manner pecuniarily interested in, or who shall be officially connected with, any dental college or dental department of any school or university, shall be appointed a member of said board.

SEC. 3. Said board shall have power to make reasonable rules and regulations for carrying into effect and maintaining the provisions of this Act. It shall choose one of its mem-

bers President and one Secretary thereof, and shall hold regular meetings twice in each year, and such other regular and special meetings as said board may by its rules provide. A majority of said board shall at all times constitute a quorum thereof for the transaction of business, but a less number may adjourn from time to time. The board shall keep full and complete minutes of its proceedings, and of its receipts and disbursements, and a full and accurate list of all persons licensed and registered by said board, and such records, together with the list of licensed and registered dentists, to be kept as aforesaid, shall be public records, and shall, at all reasonable times, be open to public inspection, and such records, or a transcript of the same, or of any part thereof, under the seal of the board, duly certified by the Secretary thereof, shall, at all times and places, be competent evidence of the facts therein stated or recited. A sworn statement by the Secretary, under the seal of the board, stating that any person is or is not a registered dentist, shall be *prima facie* evidence that such person is or is not entitled to practice dentistry in this State. The President of the board and the Secretary thereof shall have authority to administer oaths, and the board shall have power to hear testimony as to all matters relating to the duties imposed upon it by law.

Sec. 4. It shall be the duty of every person who, at the time this Act shall take effect, is a legally qualified practitioner of dentistry in this State, as shown by the books of registration kept by said board, under the provisions of the Act of which this is an amendment, and who is desirous to continue such practice, and of all persons who shall thereafter be licensed by said board to practice dentistry, to procure from the Secretary of said board, on or before the thirty-first day of May, 1890, and annually thereafter, a certificate of registration as a practitioner of dentistry in this State. Such certificate shall be issued by the Secretary upon payment of a registration fee, to be fixed by the board, which fee shall not exceed the sum of two dollars. All certificates so issued shall expire on the thirty-first day of May in each year, and shall be *prima facie* evidence of the right of the holder thereof

to practice dentistry in this State during the time for which they were issued. Any certificate or license granted by said board may be revoked by the board, upon conviction of the party holding it, of a violation of any of the provisions of this Act. Every person receiving such certificate shall conspicuously expose the same in his place of business.

SEC. 5. Any person having pursued the study of dentistry in the office, or under the supervision of some regularly practicing dentist, for at least three years before applying for such examination, not lawfully entitled to practice dentistry at the time when this Act shall take effect, who shall thereafter desire to practice dentistry in this State, shall appear before said board and be examined with reference to his knowledge and skill in dentistry, and if, upon such examination, such person be found, in the judgment of said board, to possess suitable qualifications to practice dentistry, and, if the board shall be satisfied that the applicant has a good moral character, it shall issue to such person a license to practice dentistry in accordance with the provisions of this Act; *provided*, that any person desiring to commence the practice of dentistry in this State, and having a diploma issued or purporting to be issued by any reputable dental college or dental department of any university, shall present the same to the State Board of Examiners, and said board, being satisfied as to the genuineness of the diploma and the qualifications of the applicant, shall issue a license to such person to practice dentistry in this State without examination, on payment of the license fee hereinafter provided for. All licenses issued by said board shall be signed by the several members thereof, and be attested by its President and Secretary, and the seal of said board.

SEC. 6. Any member of said board may issue a temporary license to any applicant, upon the presentation by such applicant of satisfactory evidence that he possesses the necessary qualifications to practice dentistry, on the payment of ten dollars, which license shall remain in force until the semi-annual meeting of said board occurring next thereafter, and no longer; but such license shall not be renewed, nor shall it

be granted to any applicant who has, within six months previous to his application, been rejected by said board. Such license shall not be valid until it shall be attested by the Secretary of the board, under its seal, and the Secretary shall keep a record of such licenses, the date of their issue, and the name of the members by whom each license was issued.

Sec. 7. Any person shall be regarded as practicing dentistry within the meaning of this Act, who shall perform upon the human teeth, or parts adjacent thereto, any operation or operations such as are commonly known and designated as dental operations, or operations in dental surgery; or who shall hold himself or herself out, by means of signs, cards, advertisements, or otherwise, as a dentist or dental surgeon. Any legally qualified practitioner of dentistry who has complied with the provisions of this Act, or any properly organized and equipped and reputable dental college, or dental department of any reputable school or university, may take into preceptorship a student or students who shall be permitted to perform such operations in the offices or infirmaries of such preceptors and under their immediate supervision, and not otherwise; during the term of three years from the commencement of such pupilage, and no longer, unless for special reasons such time shall, in the discretion of the board, be thereafter extended for a period not exceeding one year; *provided*, nothing in this Act shall be construed to prevent any legally qualified resident physician and surgeon from extracting teeth, or to prevent any person from using any domestic remedy or other proper means for the relief of pain in case of an emergency.

Sec. 8. In order to provide means for carrying into effect and maintaining the provisions of this Act, said Board of Dental Examiners may require each person appearing before it for examination, as aforesaid, to pay said board a fee not exceeding ten dollars, which shall in no case be returned to such applicant; and if the applicant shall receive a license to practice, he shall thereupon pay the further sum of five dollars, which shall entitle him to receive also a certificate of registration as a practitioner of dentistry in this State for the

current or registration year in which such license shall be issued, after the termination of which he shall annually obtain a certificate as hereinbefore provided. All moneys received by the board shall be held by the Secretary thereof as a special fund for paying the necessary expenses and the compensation of the board and its Secretary, as herein provided, and for enforcing the provisions of this Act; and the Secretary shall give such bond as the board may from time to time require. No part of the salaries or other expenses of the board shall be paid out of the State treasury, but the annual report of the board shall be printed by the State. The Secretary of the board shall receive a salary which shall be fixed by the board, in addition to the necessary and legitimate expenses by him incurred in the discharge of his duties, and each member of the board shall receive as compensation the sum of five dollars per day for each day actually enployed by him in attending meetings, or in performing any special duty assigned to him by the board, and shall be reimbursed for all legitimate and necessary expenses by him incurred in the performance of any official duty. Said board shall, on or before the first day of December in each year, make an annual report of its acts and proceedings to the Governor, which report shall contain, among other things, an accurate statement of all moneys received and disbursed during the previous year.

SEC. 9. Any violations of any of the provisions of this Act shall subject the party violating the same to a penalty of not less than twenty-five dollars, nor more than fifty dollars, for the first offense; of not less than fifty dollars, nor more than one hundred dollars, for the second offense, and of not less than one hundred dollars, nor more than two hundred and fifty dollars, for the third or any subsequent offense, and such penalties shall be sued for and recovered in any court of competent jurisdiction in the name of the people by the State's attorney of the county wherein such offense shall have been committed, or in which the offender may be found, and said penalty, when recovered, shall be paid into the common school fund of the county in which the suit shall be brought;

and in case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of the court having cognizance thereof; *provided*, that either party may appeal in the same time and manner as appeals may be taken in other cases, except that where an appeal is prayed in behalf of the people, no appeal bond shall be required to be filed, whether the appeal be from a Justice of the Peace or from the County or District Court, or from the Appellate Court. But it shall be sufficient in behalf of the people of the State of North Dakota, for the use of the Board of Dental Examiners, to pray an appeal, and thereupon an appeal may be had without bond or security; *provided* further, that no proceeding shall be commenced against any party for failure to procure the annual certificate of registration provided for in section 4, until after such party shall have been served with proper notice of such failure, and the penalty thereby incurred. Every operation performed and each patient treated, contrary to the provisions of this Act, shall be deemed and held as a separate offense.

Sec. 10. Any person who shall willfully and falsely claim or pretend to have or hold a certificate of license or registration of this board, or of any similiar board of any other State, or who shall willfully and falsely, with intent to deceive the public, claim or pretend to be a graduate of or hold a diploma granted by any incorporated dental society or dental college, shall be subject to the penalties provided for in section 9 of this Act, to be sued for and recovered and paid out as in said section provided.

Sec. 11. All laws or parts of laws in conflict with this Act are hereby repealed.

Approved February 6th, 1890.

OHIO.

A Law to Regulate the Practice of Dentistry in the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person to practice dentistry in the State of Ohio for compensation, unless such person has received a diploma from the faculty of a dental college duly incorporated under the laws of this or any other State of the United States or foreign country, or a certificate of qualification issued by the State Dental Society or by any local society auxiliary thereto; *provided*, that nothing in this section shall apply to persons now engaged in the practice of dentistry in this State before the first day of January, 1873.

SEC. 2. Any person who shall practice dentistry without having complied with the regulations of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars; *provided*, that nothing in this Act shall be construed to prevent physicians and surgeons from extracting teeth.

SEC. 3. All prosecutions under this Act shall be by indictment before the Court of Common Pleas in the county where the offense was committed, and all fines imposed and collected under the provisions of this Act shall be paid into the treasury of the county where such conviction shall take place, for the use of the common schools within such county.

SEC. 4. This Act shall take effect and be in force from and after its passage.

The above Act was passed May 8th, 1868, but was afterwards amended, as follows:

An Act to amend Section one of an Act entitled "An Act to Regulate the Practice of Dentistry in the State of Ohio," passed May 8th, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of the above-named Act be so amended as to read as follows: That it shall be unlawful for

any person to practice dentistry in the State of Ohio for compensation, unless such person has received a diploma from the faculty of a dental college duly incorporated under the laws of this or any State of the United States or foreign country, or a certificate of qualification issued by the State Dental Society; *provided*, that in all cases where any person has been continuously engaged in the practice of dentistry for a period of five years or more, such person shall be considered to have complied with the provisions of this Act and the Act to which this is amendatory.

SEC. 2. Any person who shall practice dentistry without having complied with the regulations of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars; *provided*, that nothing in this Act shall be construed to prevent physicians and surgeons from extracting teeth.

SEC. 3. All prosecutions under this Act shall be by indictment before the Court of Common Pleas in the county where the offense was committed, and all fines imposed and collected under the provisions of this Act shall be paid into the treasury of the county where such conviction shall take place, for the use of the common schools within such county.

SEC. 4. That said original section 1 be and is hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

Passed March 10th, 1873.

OKLAHOMA.

Following is the Text of the Law which went into effect December 25th, 1890.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oklahoma*, That it shall be unlawful for any person to practice or attempt to practice dentistry or dental

surgery in the Territory of Oklahoma without having first received a license from the Board of Dental Examiners, as hereinafter provided.

SEC. 2. A Board of Dental Examiners is hereby created, whose duty it shall be to carry out the purpose and enforce the provisions of this Act. The members of such board shall be appointed by the Governor, and shall consist of five practicing dentists, residents of Oklahoma Territory, who shall have been engaged in the continuous practice of dentistry or dental surgery for at least two years prior to the passage of this Act. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor.

SEC. 3. Said board shall keep a record, in which shall be registered the names and residence and place of business of all persons authorized under this Act to practice dentistry or dental surgery in this Territory. It shall elect one of its members as President, one as Secretary, and one as Treasurer thereof, which election shall hold during the term for which the incumbent was appointed, or during his or her residence in the Territory. It shall meet at least once in each year, and as much oftener, and at such times and places as it may deem necessary. A majority of such board shall, at all times, constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open for public inspection.

SEC. 4. Every person who holds a diploma from a recognized college of dentistry, or who was engaged in the practice of dental surgery in the Territory three months previous to the passage of this Act, and who has been regularly engaged in the practice of dentistry for three years next preceding the passage of this Act, shall, within six months thereafter, cause his or her name, residence, and place of business to be registered with the Board of Dental Examiners and pay the fee hereinafter provided, whereupon the board shall issue a license duly signed by a majority of said board, and such license shall be *prima facie* evidence of the right of the holder thereof to practice dentistry or dental surgery in the Territory of Oklahoma.

SEC. 5. Any person desiring to commence the practice

of dentistry or dental surgery in the Territory of Oklahoma after the passage of this Act, shall, before commencing such practice, file for record, in a book kept for that purpose, with said Board of Dental Examiners, his or her diploma, or a duly authenticated copy thereof, and pay the fee as hereinafter provided, whereupon the said board shall issue to such person a license, the same as provided in section 4 of this Act; *provided, however*, that any person who shall pass a satisfactory examination before the said board regarding his or her qualifications to practice dentistry or dental surgery, and pay the fee as hereinafter provided, shall also be granted a license as provided in section 4 of this Act.

SEC. 6. To provide for the proper and effective enforcement of this Act, said Board of Dental Examiners shall be entitled to the following fees, to wit: For each license issued to persons engaged in the practice of dentistry or dental surgery in this Territory three months previous to the passage of this Act, the sum of three dollars; for each license issued to persons not engaged in such practice three months previous to such passage, the sum of ten dollars.

SEC. 7. The members of said board shall each receive the compensation of three dollars per day for each and every day actually engaged in the duties of their office, which, together with all other legitimate expenses incurred in the performance of such duties, shall be paid from fees received by the board under the provisions of this Act, and no part of the expenses of said board shall at any time be paid out of the Territorial treasury. All moneys in excess of said *per diem* allowances and other expenses shall be held by the Treasurer of said board as a special fund for meeting the expenses of said board, he giving such bond as the board shall from time to time direct, and such board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in pursuance of this Act.

SEC. 8. Any person who shall violate this Act by practicing or attempting to practice dentistry or dental surgery

in this Territory without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than twenty-five dollars, nor more than two hundred dollars, or by confinement in the county jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court; *provided*, that nothing in this Act shall be so construed as to prevent physicians and surgeons or other persons from extracting teeth, and all fines collected under this Act shall belong to the common school fund of the county where the offense was committed.

This Act shall take effect and be in force from and after the final adjournment of this legislative assembly.

PENNSYLVANIA.

An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the State of Pennsylvania, and Providing Penalties for the Violation of the Same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, it shall be unlawful for any person except regularly authorized physicians and surgeons to engage in the practice of dentistry in the State of Pennsylvania, unless said person has graduated and received a diploma from the faculty of a reputable institution where this specialty is taught, and chartered under the authority of some one of the United States or of a foreign government, acknowledged as such, or shall have obtained a certificate from a Board of Examiners duly appointed and authorized by the provisions of this Act to issue such certificate.

Sec. 2. That the Board of Examiners shall consist of six practitioners of dentistry who are of acknowledged ability in the profession. Said board shall be elected by the Pennsylvania State Dental Society at their next annual meeting, as follows: Two shall be elected for one year, two for two years, and two for three years, and each year thereafter two shall be elected to serve for three years, or until their successors are elected. The said board shall have power to fill all vacancies for unexpired terms, and they shall be responsible to said State Dental Society for their acts.

Sec. 3. That it shall be the duty of this board, First, To meet annually at the time and place of meeting of the Pennsylvania State Dental Society, and at such other time and place as the said board shall agree upon, to conduct the examination of applicants. They shall also meet for the same purpose at the call of any four members of said board at such time and place as may be designated. Thirty days' notice must be given of the meetings by advertising in at least three periodicals, one of them being a dental journal, and all published within this State. Secondly, To grant a certificate of ability to practice dentistry, which certificate shall be signed by said board, and stamped with a suitable seal, to all applicants who undergo a satisfactory examination, and who receive at least four affirmative votes. Thirdly, To keep a book in which shall be registered the names and the qualifications, as far as practicable, of all persons who have been granted certificates of ability to practice dentistry under the provisions of this Act.

Sec. 4. That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the seal of said Board of Examiners, shall be evidence in any court of this State.

Sec. 5. That four members of this board shall constitute a quorum for the transaction of business; and should a quorum not be present on any day appointed for their meeting, those present may adjourn, from day to day, until a quorum is present.

Sec. 6. That any person who shall in violation of this Act practice dentistry in the State of Pennsylvania, shall be liable to indictment in the Court of Quarter Sessions of the proper county, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars; *provided*, that any person so convicted shall not be entitled to any fee for services rendered; and if a fee shall have been paid, the patient or his or her heirs may recover the same as debts of like amount are now recoverable by law.

Sec. 7. That all fines collected shall inure to the poor fund of the county in which the prosecution occurs.

Sec. 8. That nothing in this Act shall apply to persons who shall have been engaged in the continuous practice of dentistry in this State for three years or over at the time of or prior to the passage of this Act.

Sec. 9. That to provide a fund to carry out the provisions of the third section of this Act, it shall be the duty of the said Board of Examiners to collect from those who receive the certificate to practice dentistry the sum of thirty (30) dollars each, of which sum, if there be any remaining after liquidating necessary expenses, the balance shall be paid into the treasury of the said Pennsylvania State Dental Society, to be kept as a fund for the more perfect carrying out of the provisions of this Act.

Signed April 17th, 1876.

Supplementary to the foregoing Act is the following Act in reference to the registration of dentists:

An Act for the Registration of Dentists, Supplementary to the Act Entitled "An Act to Regulate the Practice of Dentistry, and to Protect the People Against Empiricism in Relation Thereto, in the State of Pennsylvania, and Providing Penalties for the Same."

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the*

same, That it shall be the duty of any person practicing dentistry within this Commonwealth within three months after the passage of this Act, and of any person intending to practice dentistry within this Commonwealth, before commencing the same, to have recorded in the Recorder's Office in the county in which he or she practices or intends to practice, the diploma or certificate provided for in the Act to which this is a supplement.

SEC. 2. Any person *beginning* to practice dentistry in this State after the passage of this Act, having a dental diploma issued or purporting to have been issued by any college, university, society, or association, shall present the same to the State Examining Board provided for in the Act to which this is a supplement for approval; such Examining Board, being satisfied as to the qualifications of the applicant and the genuineness of the diploma, shall, *without fee*, indorse the same as approved, after which the same may be recorded as aforesaid.

SEC. 3. Any person who is entitled to practice dentistry in this Commonwealth without a diploma or certificate, under the provisions of the eighth section of the Act to which this is a supplement, shall make written affidavit before some person qualified to administer an oath, setting forth the time of his continuous practice, and the place or places where such practice was pursued in this Commonwealth, and shall, within three months after the passage of this Act, have such affidavit recorded in the Recorder's Office of the county in which he is practicing; and it shall be the duty of the Recorder to record such diplomas, certificates and affidavits in a book provided for such purposes.

SEC. 4. Any person who shall violate or fail to comply with any of the provisions of this Act or of the Act to which this is a supplement, or who shall cause to be recorded any diploma or certificate which has been obtained fraudulently, or is in whole or in part a forgery, or shall make affidavit to any false statement to be recorded as aforesaid, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced

to pay a fine of not less than fifty nor more than two hundred dollars for each offense for the use of the proper county.

SEC. 5. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved June 20th, 1883.

RHODE ISLAND.

The following is an "Act to Establish a Board of Registration in Dentistry for the State of Rhode Island and Providence Plantations," passed June 1st, 1888:

SECTION 1. *It is enacted by the General Assembly, as follows:* The Governor of the State shall, on the passage of this Act, appoint five graduates in dentistry residing and doing business within the State, who shall constitute a Board of Registration in dentistry. The term for which such members shall hold their office shall be three years; except that one of the members first appointed under this Act shall hold his office for one year, two for the term of two years, and two for the term of three years respectively, and until their successors shall be duly appointed. In case of a vacancy occurring in said board, it shall be filled by the Governor in conformity with this section.

SEC. 2. Said board shall choose one of its members President and one Secretary thereof, and three of its members shall constitute a quorum. It shall meet at least once a year, or oftener, at the call of three members.

SEC. 3. Within three months from the time of the passage of this Act, it shall be the duty of every person engaged in the practice of dentistry at that time in the State to cause his or her name and place of business to be registered with said board, who shall keep a book for that purpose; and persons so registering shall receive a certificate to that effect from the board.

SEC. 4. All persons, not graduates of regular dental colleges, who may desire to enter the practice of dentistry in this State, subsequent to the passage of this Act, may appear before said board and be examined with reference to their knowledge and skill in dentistry; and to such as undergo a satisfactory examination certificates to that effect, signed by said board, shall be issued. All persons holding diplomas from reputable dental colleges may present the same to said board, and, on such presentation, shall receive certificates without examination.

SEC. 5. Each person receiving a certificate shall pay to said board the sum of $2.00, and each person applying for an examination shall pay, in addition to the fee for certificate, if granted, twenty-five dollars, which shall in no case be returned. The fees received for examinations, registration, and certificates, shall be appropriated to defray the expenses of the Board of Registration in dentistry.

SEC. 6. Any person who shall practice or attempt to practice dentistry in this State, in violation of the provisions of this Act, shall be deemed guilty of misdemeanor and liable to indictment therefor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars, for each and every offense; and such person's failure to duly register with the Board of Registration in dentistry shall be evidence of such violation.

SEC. 7. This Act shall take effect upon its passage.

SOUTH CAROLINA.

An Act to Regulate the Practice of Dentistry, and Protect the People against Empiricism in Relation thereto, in the State of South Carolina.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same,* That

from and after the passage of this Act, it shall be unlawful for any person, or persons, to engage in the practice of dentistry in the State of South Carolina, unless said person, or persons, shall have received a diploma from the faculty of some dental college, duly incorporated under the laws of this or some other State in the United States, or foreign Government, in which is annually delivered, in good faith, a full course of lectures and instructions in dentistry, or shall have obtained a license, from a Board of Dentists, duly authorized and appointed by this Act to issue such license.

SEC. 2. It shall be the duty of the South Carolina State Dental Association, at the next annual meeting thereof, after the passage of this Act, to elect a Board of Examiners, to consist of five members, to be known by the title of the Board of Dental Examiners in the State of South Carolina. The members of this board shall, at the first election, be elected for terms of one, two, three, four and five years, respectively, or until their successors shall have been elected. And it shall be the duty of the South Carolina State Dental Association, at each subsequent annual meeting thereof, to elect a person for the term of five years, to fill the place of the member of the board whose term of office shall at that time expire, and also to fill such vacancies in the board as may have occurred during the year. And if, at any regular meeting of the board, any member, or members, shall fail to be present, the South Carolina State Dental Association may, at its discretion, declare the office of such absentee to be vacated, and may proceed to elect a new member, or members, for the unexpired term of such person, or persons, or it may elect a member, or members, to fill, temporarily, the place, or places, of such absentees. This board shall be organized by the election of a President and a Secretary.

SEC. 3. It shall be the duty of the Board of Examiners First, to meet, annually, at the time and place of meeting of the South Carolina State Dental Association, giving thirty days' notice in the public newspapers, published in not less than three different places of the State, *viz.:* one in Charleston, one in Columbia, and one in Greenville, of such annual meeting.

Secondly, to prescribe a course of reading for those who study dentistry under private instructions. Thirdly, to grant a license to any applicant who shall furnish satisfactory evidence of having graduated, and received a diploma from any incorporated dental college in good standing with the profession, without fee, charge, or examination. Fourthly, to grant licenses to all other applicants who undergo a satisfactory examination. Fifthly, to keep a book in which shall be registered all persons licensed to practice dentistry in the State of South Carolina. The expenses of said license shall be fifteen dollars, to be paid by the licensee. And that all persons who do now hold, or may hereafter hold, a license to practice dentistry in this State, shall become members of the South Carolina State Dental Association, immediately upon the obtaining of said license; *provided*, he shall be allowed to waive his right of membership.

Sec. 4. That the book so kept shall be a book of record, and a transcript from it, certified by the officer who has it in keeping, with the common seal, shall be evidence in any court of the State.

Sec. 5. That three members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for their meeting, those present may adjourn, from day to day, until a quorum is present.

Sec. 6. That one member of said board may grant a license to an applicant to practice until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire; but such temporary license shall not be granted by a member of the board after the board has rejected the applicant.

Sec. 7. That every dentist in this State be required to keep a record of all cases treated in his practice, in accordance with a form to be designated by the South Carolina State Dental Association, and furnish his patient with a copy of the same, if so desired by the patient.

Sec. 8. That any person who shall, in violation of this Act, practice dentistry in the State of South Carolina, for

fee, or reward, shall be liable to indictment, and, on conviction, shall be fined not less than fifty nor more than three hundred dollars; *provided*, that nothing in this Act shall be so construed as to prevent any person from extracting teeth.

SEC. 9. That on trial of such indictment, it shall be incumbent on the defendant to show that he has authority, under the law, to practice dentistry, to exempt himself from such penalty.

SEC. 10. That all fines collected shall inure to the educational fund of the county where the offender resides.

SEC. 11. That those who have been in the regular practice of dentistry in the State, prior to the passage of this Act, are exempt from the provisions of the same, except section 7 of this Act.

SEC. 12. That the South Carolina State Dental Association is hereby made a body politic and corporate, shall have and use a common seal, sue and be sued, plead and be impleaded, and be empowered to make all necessary by-laws not inconsistent with the State Laws and Constitution.

SEC. 13. That this Act shall continue in force until repealed.

Approved February 23d, 1875.

TENNESSEE.

Following is the Text of "An Act to Regulate the Practice of Dentistry in the State of Tennessee, and to Punish Violators thereof," enacted March 23d, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any person to practice, or attempt to practice, dentistry or dental surgery in the State of Tennessee without first having received a diploma from some reputable dental college, school, or university department, duly authorized by the laws of this State, or some other of the United States, and in which college, or

school, or university department there are, at the time of issuance of such diploma, annually delivered a full course of lectures and instructions in dentistry and dental surgery; *provided*, that nothing in section 1 of this Act shall apply to any person engaged in the practice of dentistry or dental surgery in the State at the time of the passage of this Act, except as hereinafter provided; *and provided, further*, That nothing in this Act shall be so construed as to prevent physicians, surgeons, or others from extracting teeth.

SEC. 2. A Board of Examiners consisting of six practicing dentists of acknowledged ability, as such, two of whom shall be residents in each of the three sub-divisions of the State, East, Middle, and West Tennessee, is hereby created, who shall have authority to issue certificates to persons in the practice of dentistry or dental surgery in the State at the time of the passage of this Act; and also to decide upon the validity of such diplomas as may be subsequently presented for registration, as hereinafter provided, and issue certificates to all applicants who may hereafter apply to said board and pass a satisfactory examination.

SEC. 3. The members of said board shall be appointed by the Governor, and shall serve for a term of three years, excepting that the members of the board first appointed shall be made, as follows: Two for one year, two for two years, and two for three years, respectively, and until their successors are duly appointed. In case of vacancy occurring in said board by resignation, removal from State, or death, such vacancy may be filled for its unexpired term by the Governor as provided by this Act.

SEC. 4. Said board shall keep a record, in which shall be registered the names and residences, or places of business, of all persons authorized under this Act to practice dentistry or dental surgery in this State. It shall elect one of its members President and one Secretary thereof; and it shall meet at least once in each year, at the time and place fixed for the meeting of the State Dental Association, and as much oftener and at such times and places as it may deem necessary. A majority of the members of said board shall constitute a

quorum, and the proceedings thereof shall be open to public inspection.

SEC. 5. Every person engaged in the practice of dentistry or dental surgery within this State at the time of the passage of this Act, shall, within six months thereafter, cause his or her name, residence, and place of business to be registered with said Board of Examiners, upon which said board shall issue to such person a certificate duly signed by a majority of the members of said board, and which certificate shall entitle the person to whom it is issued to all the rights and privileges set forth in section 1 of this Act.

SEC. 6. Any person desiring to commence the practice of dentistry or dental surgery within this State after the passage of this Act, shall, before commencing such practice, file for record in a book kept for such purposes with the said Board of Examiners, his or her diploma, or duly authenticated copy thereof, the validity of which the said board shall have the power to determine. If accepted, said board shall issue to the person holding such diploma a certificate, duly signed by all or a majority of the members of said board, and which certificate shall entitle the person to whom it is issued to all the rights and privileges set forth in section 1 of this Act; *provided*, that any person, whether holding a diploma aforesaid or not, shall have the privilege of making application to said board, and, upon undergoing a satisfactory examination, shall be entitled to a certificate in like manner as a person holding a diploma, and upon the same terms.

SEC. 7. To provide for the proper and effective enforcement of this Act, said Board of Examiners shall be entitled to the following fees, to-wit: For each certificate to persons engaged in the practice in the State at the time of the passage of this Act, the sum of one dollar; for each certificate issued to persons not engaged in the practice of dentistry in the State at the time of the passage of this Act, the sum of five dollars.

SEC. 8. The members of said Examining Board shall receive the compensation of five dollars per day for each day

actually engaged in the duties of their office, which, together with all other legitimate expenses, incurred in the performance of such duties shall be paid from the fees and penalties received by the board under the provisions of this Act, and no part of the expenses of said board shall at any time be paid out of the State treasury. All moneys in excess of said *per diem* allowance and other expenses shall be held by the Secretary of the said board as a special fund for meeting the expenses of said board, he giving such bond as the board may from time to time direct, and said board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in the pursuance of this Act.

SEC. 9. Any person who shall violate this Act by practicing or attempting to practice dentistry or dental surgery within the State, without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than twenty-five nor more than three hundred dollars.

SEC. 10. This Act shall take effect from and after its passage, the public welfare demanding it.

TEXAS.

An Act to Regulate the Practice of Dentistry in the State of Texas.

SECTION 1. *Be it enacted by the Legislature of Texas*, That from and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the State of Texas, unless said person has obtained license from a Board of Examiners, duly appointed and authorized by this Act to issue such license; *provided*, that dentists who have been in the regular practice of dentistry in this State for three years next preceding the passage of this Act, shall not be re-

quired to submit to an examination, and shall be entitled to a license, without fee, which shall be transmitted to him, by mail or otherwise, upon application accompanied by satisfactory evidence to the fact of his having been in the regular practice for the time required.

SEC. 2. That the Board of Examiners shall be appointed by the Judge of each judicial district, and shall be composed of three reputable dentists, residing in said district, who shall hold their offices two years from the date of appointment, and any vacancy shall be filled by the District Judge, as aforesaid.

SEC. 3. The board shall, immediately after appointment, select one of their number as President and one as Secretary, and adopt all rules necessary for the transaction of the business that may come before them.

SEC. 4. Said board shall meet annually at some central point in their respective districts, to conduct examinations and grant licenses. Notice of the time and place of such meeting shall be given, for one month, by publication in some newspaper published in the district.

SEC. 5. Any applicant who shall furnish satisfactory evidence of having graduated and received a diploma from any reputable dental college, and any applicants under the provisions of the first section of this Act, and all other applicants who undergo a satisfactory examination as to their qualifications, and shall pay to said board a fee of five dollars, to be used for the advertising and incidental expenses, shall be granted license, which license shall entitle the person to whom granted to practice dentistry in any county where the same has been recorded, as required by section twelve.

SEC. 6. Said board shall keep a book of record, in which shall be registered the names of all persons licensed to practice dentistry by said board.

SEC. 7. The book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal of said board, shall be evidence in any court in this State.

SEC. 8. That two members of said board shall consti-

tute a quorum for the transaction of business, and should a quorum be not present on the day appointed for its meeting, the member present may adjourn, from day to day, until a quorum be present.

SEC. 9. That one member of said board may grant a license for an applicant to practice, until the next regular meeting of the board, when he shall report the fact, at which time such temporary license shall expire; but such temporary license shall not be granted by a member of the board within one year after the board has rejected the applicant.

SEC. 10. That any person who shall, in violation of the provisions of this Act, practice dentistry in this State for a fee or reward, shall be liable to indictment, and, on conviction, shall be fined not less than one hundred nor more than two hundred dollars; nor shall it be construed to prevent persons from extracting teeth, nor in any way to interfere with physicians and surgeons in their practice of such.

SEC. 11. That all fines collected from prosecutions under this Act shall be appropriated to the common school fund in the county where collected.

SEC. 12. That every person to whom license is issued by said Board of Examiners, shall, within thirty days from the date thereof, present the same to the Clerk of the county in which he resides, who shall officially record said license in a book in his office, and shall be entitled to demand a fee of fifty cents for his services; but a temporary license, issued under section nine of this Act, need not be recorded.

SEC. 13. That on the trial of any person indicted under the provisions of this Act, it shall be incumbent upon the defendant, in order to exempt him from the penalties of this Act, to show that he has authority, under the law, to practice dentistry in this State.

SEC. 14. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Approved March 27th, 1889.

VERMONT.

An Act Regulating the Practice of Dentistry in the State of Vermont.

SECTION 1. *It is hereby enacted, etc.*, There shall be a Board of Dental Examiners. The Board shall consist of five dental graduates, or practitioners of dentistry, to be appointed by the Governor, in the month of November, 1882, and in the month of November, biennially, thereafter. The term of office of members so appointed shall commence on the first day of December following their appointment, and continue for two years, and until their successors are appointed. The Governor shall fill vacancies in the board.

SEC. 2. The board shall meet annually, or oftener. Meetings shall be held on the call of three members. Thirty days' notice of each meeting shall be given, by mail, to each practicing dentist in the State known to the board.

SEC. 3. The board shall, at their meetings, examine applicants for licenses to practice dentistry, and shall grant a license to each one whom they find qualified, on payment to the board by each person, the sum of five dollars. The board shall grant a license without fee to any person who has received a diploma from any incorporated dental college, and to each person residing and engaged in the practice of dentistry within the State, at the time of the passage of this Act, on application of such person, accompanied by satisfactory proof of the facts which entitle him to such license.

SEC. 4. Any member of the board may, when the board is not in session, grant a license to practice dentistry to a person whom such member finds, on examination, to be qualified, on the payment of the sum of two dollars by such person. A license so granted shall be valid until the next meeting of the board, but no longer. Each member shall make a report of licenses so granted by him at the meeting of the board next following the granting of the license. A member shall not grant a license under the provisions of this section to one who has been rejected by the board as unqualified.

SEC. 5. Members of the board shall receive three dollars, each, a day for time spent in examining applicants and granting licenses, if the fees received from applicants during the biennial term, in which such services are rendered, shall be sufficient therefor; and at the end of each biennial term, the board shall file with the State Auditor a statement of their receipts and disbursements, verified by oath, and shall, at the same time, pay into the State treasury any excess remaining in their hands.

SEC. 6. A person who, without a license in force, practices dentistry in this State for a compensation, or reward, shall be fined not less than twenty-five dollars, nor more than one hundred dollars. But no penalty shall attach to a person for merely extracting teeth.

SEC. 7. The Board of Dental Examiners shall keep a book in which they shall cause to be entered the name of each person to whom a license has been issued under the provisions of this Act.

SEC. 8. A person receiving a license from the Board of Dental Examiners shall, within thirty days from the time of receiving the same, cause it to be recorded in the office of the Secretary of State, who shall be entitled to twenty-five cents for recording each license.

SEC. 8. A person who does not cause his license to be recorded within the time required by the preceding section, shall forfeit the license, and shall not be re-licensed until he has paid to the board the sum of ten dollars.

SEC. 10. This Act shall take effect from its passage, except section 6, which shall take effect on the first day of January, 1883.

Approved November 29th, 1882.

VIRGINIA.

The Following is the Text of An Act to Regulate the Practice of Dentistry in the State of Virginia, which was Approved February 26th, 1886.

Section 1. *Be it enacted by the General Assembly of Virginia*, That from and after the passage of this Act, it shall be unlawful for any person, except regularly authorized physicians and surgeons, to engage in the practice of dentistry in the Commonwealth of Virginia, or to receive license from any Commissioner of the Revenue, unless such person has graduated and received a diploma from the faculty of a reputable institution where this specialty is taught, and chartered under the authority of some one of the United States, or of a foreign government, acknowledged as such, or shall have obtained a certificate from a Board of Examiners duly appointed and authorized by the provisions of this Act to issue such certificates; *provided*, that nothing herein contained shall prevent any person from extracting teeth for any one suffering from toothache.

Sec. 2. That the Board of Examiners shall consist of six practitioners of dentistry, who are of acknowledged ability in the profession. Said board shall be appointed by the Governor, who shall select from twelve candidates named by the Virginia State Dental Association at their next annual meeting, of whom two shall serve one year, two for two years, and two for three years, and to reside in different sections of the State; and each year thereafter, two shall be appointed in the same manner from four nominees, to serve for three years or until their successors are elected. All vacancies for unexpired terms shall be filled by the Governor from names furnished him by the board.

Sec. 3. That it shall be the duty of this board, First, To meet annually at the time and place of meeting of the Virginia State Dental Association, and at such other time and place as the said board shall agree upon, to conduct the examination of applicants. They shall also meet for the same

purpose, at the call of any four members of said board, at such time and place as may be designated. Thirty days' notice must be given of the meetings by advertising in at least two of the daily papers published in the Commonwealth of Virginia. Secondly, To grant a certificate of ability to practice dentistry, which certificate shall be signed by said board and stamped with a suitable seal, to all applicants who undergo a satisfactory examination and who received at least four affirmative votes. Thirdly, To keep a book in which shall be registered the names and qualifications, as far as practicable, of all persons who have been granted certificates of ability to practice dentistry under the provisions of this Act.

SEC. 4. That the book so kept shall be a book of record, and transcripts from it, certified to by the officer who has it in keeping, with the seal of said Board of Examiners, shall be evidence in any court of this Commonwealth.

SEC. 5. That four members of this board shall constitute a quorum for the transaction of business; and should a quorum not be present on any day appointed for their meeting, those present may adjourn, from time to time, until a quorum is present.

SEC. 6. That any person who shall, in violation of this Act, practice dentistry in the Commonwealth of Virginia, shall be liable to indictment in the circuit, county, or corporation courts, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars; *provided*, that any person so convicted shall not be entitled to any fee for services rendered; and if a fee shall have been paid, the patient or his or her heirs may recover the same as debts of like amount are now recovered by law.

SEC. 7. That all fines collected shall inure to the public school fund of the county or corporation in which the prosecution occurs.

SEC. 8. That nothing in this Act shall apply to persons who shall be engaged in the practice of dentistry in this

Commonwealth at the time of, or prior to, the passage of this Act.

SEC. 9. To provide a fund to carry out the provisions of the third section of this Act, it shall be the duty of said Board of Examiners to collect from those who shall appear before them for examination the sum of ten dollars each.

SEC. 10. This Act shall be in force from its passage.

WASHINGTON TERRITORY.

Following is the text of "An Act to Regulate the Practice of Dentistry, and to Protect the People against Empiricism in Relation thereto, in the Territory of Washington:"

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That from and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the Territory of Washington, unless said person has graduated and received a diploma from the faculty of a dental college, chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a Board of Dentists, duly authorized and appointed by the provisions of this Act to issue such certificate.

SEC. 2. That a Board of Dental Examiners, consisting of five practicing dentists, be hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said Board of Dental Examiners shall be appointed and commissioned by the Governor of the Territory. Their terms of office shall be for two years, and until their respective successors shall be duly appointed and commissioned. All vacancies occurring in said Board of Examiners may be filled by the Governor at any time. The said Board of Examiners shall be appointed by the Governor on or before the first Monday in February. The term of office shall begin the first Monday in March, excepting that

the term of the first board shall begin from the time they are appointed and commissioned. Each member of said board shall take the following oath before entering upon the duties of said office:

TERRITORY OF WASHINGTON, } ss.
COUNTY OF..... }

I,....., do solemnly swear that I will support the Constitution and laws of the United States of America, and the laws of Washington Territory and the organic Act thereof, and that I will faithfully perform the duties of the office upon which I am about to enter. So help me God.

[Signed] .....

SEC. 3. Said board shall choose one of its members President and one the Secretary thereof, and it shall meet at least once in each year, or oftener, at the call of any three members of said board. Thirty days' notice must be given of the time and place of meeting of said board, said notice to be mailed to all practicing dentists in the Territory. Three members of said board shall constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

SEC. 4. Within three months from the time this Act takes effect, it shall be the duty of every person who is, at the time of the passage of this Act, engaged in the practice of dentistry in this Territory, to cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a book for that purpose. The statement of every person shall be verified under oath, before a Notary Public or Justice of the Peace, in such manner as may be prescribed by the Board of Examiners. Every person, who shall so register with said board as a practitioner of dentistry, shall receive a certificate to that effect, and may continue to practice as such without incurring any of the liabilities or penalties provided in this Act, and shall pay the Board of Examiners for such certificate a fee of two dollars and fifty cents.

SEC. 5. Any and all persons who shall so desire may appear before said board at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery, and if the examination of any such person, or persons, shall prove satisfactory to said board, the Board of Examiners shall issue to such persons as they shall find to possess the requisite qualifications to practice dentistry a certificate to that effect, in accordance with the provisions of this Act. Said board shall also indorse, as satisfactory, diplomas from any reputable dental college, when satisfied with the character of such institution, upon the holder furnishing evidence satisfactory to the board of his or her right to the same, and shall issue a certificate to that effect upon the payment of two dollars and fifty cents to said board for said certificate. All certificates issued by said board shall be signed by its officers and stamped with the seal of said board, and such certificates shall be *prima facie* evidence of the right of the holder to practice dentistry in the Territory of Washington.

SEC. 6. Any person who shall practice dentistry contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined in any sum not less than fifty dollars, nor more than two hundred dollars, or be confined for any period not exceeding six months in the county jail, for each and every offense. All fines recovered under this Act shall be paid into the common school fund of the county in which the conviction is had.

SEC. 7. In order to provide the means for carrying out and maintaining the provisions of this Act, the said Board of Examiners shall charge each person applying to or appearing before them for examination for a certificate of qualifications a fee of twenty-five dollars, which fee shall in no case be returned, and out of the funds coming into the possession of the board from the fees so charged, the sum of five dollars for each day actually engaged in the duties of their office, and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by the board under the

provisions of this Act, and no part of the salary or expenses of said board shall be ever paid out of the Territorial treasury. All moneys received in excess of salaries and expenses, as above provided for, shall be held by the Secretary of said board as a special fund for meeting the expenses of said board and carrying out the provisions of this Act, he giving such bond as the board may, from time to time, direct; and said board shall make an annual report of its proceedings to the Governor on or before the 15th day of October of each year, together with an account of moneys received and disbursed by them pursuant to this Act.

Sec. 8. Any person who shall receive a certificate from said board to practice dentistry, shall cause his or her certificate to be registered with the County Auditor of the county in which such person may desire to engage in the practice of dentistry, and the Recorder of Deeds in the several counties in this Territory shall be entitled, for registering such certificate, to a fee of one dollar. Any failure, neglect, or refusal on the part of any person holding such certificate to register the same with the Recorder of Deeds, as above directed, for a period of six months, shall work a forfeiture of the certificate; and no certificate, when once forfeited, shall be restored, except upon payment to said Board of Examiners the sum of twenty-five dollars as a penalty for such neglect, failure or refusal.

Sec. 9. Any person who shall knowingly and falsely claim, or pretend to have, or to hold, a certificate of license, diploma, or degree granted by any society, or who shall falsely, or with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalties as provided in section 6 of this Act.

Sec. 10. Any two members of the Board of Examiners shall issue a temporary certificate to any applicant upon the presentation by such applicant of the evidence of the necessary qualifications to practice dentistry. Such temporary certificate shall remain in force until the regular meeting of said board occurring next after the date of such temporary

certificate, and no longer; but such temporary certificate shall not be granted by any two members of said board after said board has rejected the applicant. All members of said Board of Examiners shall, at the regular meeting of said board, make a report of such temporary certificate issued by them.

SEC. 11. This Act shall take effect and be in force from and after its passage by said board.

Approved January 28th, 1888.

WEST VIRGINIA.

An Act to Regulate the Practice of Dentistry in this State, and to Protect the People against Empiricism in Relation thereto.

SECTION 1. *Be it enacted by the Legislature of West Virginia*, It shall be unlawful for any person to engage in the practice of dentistry, for compensation, in this State, unless such person shall have received a diploma from some dental college, duly incorporated under the laws of this State, or some of the United States, or foreign government, in which is annually delivered, in good faith, a full course of lectures and instructions in dentistry; or shall have obtained a license from a Board of Dentists, duly authorized and appointed by the authorities of this State, or some one of the United States, in the manner hereinafter mentioned.

SEC. 2. It shall be the duty of the Board of Public Works to appoint nine dentists, learned in the profession, three of whom shall be appointed in each Congressional District, who shall constitute a board for the examination of applicants in their own district, and before which all applicants for license to practice dentistry shall appear and be examined touching his proficiency in said art, or profession, and if two, or more, of said board deem the said applicant qualified to practice said profession, they shall sign said

license. For making which examination the said examiners shall have a fee of two dollars each, to be paid by the applicant; *provided*, that nothing in this Act shall prevent any person from extracting teeth, or in any manner interfere with any person now engaged in the practice of dentistry in this State. The term of office of such board shall be five years.

SEC. 3. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten nor more more than one hundred dollars.

Approved February 21st, 1881.

An Act to amend and re-enact Section two, of Chapter XLV, of the Acts of one thousand eight hundred and eighty-one, Concerning Dentistry.

SECTION 1. *Be it enacted by the Legislature of West Virginia*, That section 2, of chapter XLV, of the Acts of one thousand eight hundred and eighty-one, be amended and reenacted so as to read as follows:

SEC. 2. It shall be the duty of the Board of Public Works to appoint twelve dentists, learned in the profession, three of whom shall be appointed in each Congressional District, who shall constitute a board for the examination of applicants in their own district, and before which any applicant for license to practice dentistry shall appear and be examined touching his proficiency in such art, or profession, and if two or more of said board shall deem the said applicant qualified to practice said profession, they shall sign said license. For making which examination the said Examiners shall have a fee of two dollars each, to be paid by the applicant; *provided*, that nothing in this Act shall prevent any person from extracting teeth, with or without compensation, or in any manner interfere with any person who was engaged in the practice of dentistry in this State on the fourteenth day of May, one thousand eight hundred and eighty-one. The term of office of such board shall be five years.

Approved February 22nd, 1883.

WISCONSIN.

An Act to Regulate the Practice of Dentistry, and to Establish a Board of Dental Examiners.

SECTION 1. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:* It shall be unlawful for any person who is not, at the time of the passage of this Act, engaged in the practice of dentistry in this State, to commence such practice, unless he shall have obtained a license as hereinafter provided.

SEC. 2. A Board of Examiners, to consist of five practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said board shall be appointed by the Governor. Three members of this board, at least, shall be members of the Wisconsin State Dental Society. The terms for which the members of said board shall hold their offices shall be five years, except that the members of the board first to be appointed under this Act, shall hold their offices for the terms of one, two, three, four and five years, respectively, and until their successors are appointed and qualified. In case of vacancy occurring in said board, such vacancy shall be filled by the Governor.

SEC. 3. Said board shall choose one of its members President and one Secretary thereof, and it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of said board shall at all meetings constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

SEC. 4. It shall be the duty of every person who is engaged in the practice of dentistry in this State, within six months from the date of the passage of this Act, and annually thereafter, to cause his or her name and residence, or place of business, to be registered with said Board of Examiners, who shall keep a book for that purpose; and every person who shall register with said board as a practitioner

of dentistry, may continue to practice the same as such without incurring any of the liabilities or penalties provided in this Act. The Board of Examiners shall furnish to the County Clerks a certified list of those registered, and it shall be the duty of the County Clerks to register such names in a book kept for such purpose. Every person registering with the Board of Examiners shall pay, as a fee therefor, the sum of one dollar.

SEC. 5. Any and all persons, who shall so desire, may appear before the said board at any of its regular meetings, and be examined with reference to the knowledge and skill in dental surgery, and if the examination of any such person or persons shall prove satisfactory to said board, the Board of Examiners shall issue to such persons, as they shall find from such examination to possess the requisite qualifications, a license to practice dentistry, in accordance with the provisions of this Act. But said board shall at all times issue a license to any regular graduate of any reputable, legally incorporated dental college, which requires that the candidate for graduation shall attend two full courses of lectures, of five months each, the last of which shall be attended in the institution granting the diploma, without examination, upon the payment by such graduate to the said board of a fee of one dollar. All licenses issued by said board shall be signed by the members thereof, and be attested by its President and Secretary; and such license shall be *prima facie* evidence of the rights of the holder to practice dentistry in the State of Wisconsin.

SEC. 6. Any person who shall violate any of the provisions of this Act shall be liable to prosecution before any court of competent jurisdiction, upon information, or by indictment, and, upon conviction, may be fined not less than fifty dollars, nor more than two hundred dollars, for each and every offense.

SEC. 7. In order to provide the means for carrying out and maintaining the provisions of this Act, the said Board of Examiners may charge each person applying to or appearing before them for examination for license to practice den-

tistry a fee of ten dollars. And out of the funds coming into their possession, from the fees mentioned in this Act, the members of said board may receive all legitimate and necessary expenses incurred in attending the meetings of said board and in conducting the business thereof. Said expenses shall be paid from the fees received by the board, under the provisions of this Act, and no part of the expenses of said board shall be paid out of the State treasury. All moneys received in excess of said expenses, above provided for, shall be held by the Secretary of said board as a special fund for meeting the expenses of said board, he giving such bond as the board shall, from time to time, direct. And said board shall make an annual report of its proceedings to the Governor, on the thirtieth day of September in each year, together with an account of all moneys received and disbursed by them pursuant to this Act.

SEC. 8. This Act shall take effect, and be in force, from and after its passage and publication.

Approved March 23d, 1885.

DENTAL LAWS IN FOREIGN COUNTRIES.

AUSTRIA-HUNGARY.

There is no special enactment regulating the practice of dentistry in Austria-Hungary further than the requirements that every dentist who seeks to practice the profession in that country, must be an Austrian-Hungary citizen, and a graduated physician or doctor possessing a diploma from a recognized college; or, who has complied with the legal requirements, after which he can practice any medical specialty he may select: either, surgeon, oculist, dentist, etc. There are no special universities for dentists only.

Besides the dental specialists, there are established mechanical dentists who, while not recognized by the government, are suffered to perform the mechanical operations in the laboratory, such as the making of artificial dentures, etc., but legally they have no right to perform dental operations in the mouth of a patient.

BELGIUM.

According to the statutes of Belgium, no person, other than a registered medical practitioner, is entitled to take, or use, the name or title of dentist, either alone or in combination with other words, or of dental practitioner, or in any wise practice the profession of dentistry, unless he or she shall have passed the examinations of the Board of Dental Examiners in the county in which he or she will practice the profession of dentistry.

The Board of Examiners is usually composed of medical practitioners.

The examinations are theoretical, including such subjects as anatomy, physiology, histology, etc. The examinations in these branches are conducted in a thorough manner, whereas the practical examinations in operative and prosthetic dentistry are lax. Belgium is divided into nine counties. Each county has its Special Board of Dental Examiners. Dentists desiring to practice in a neighboring county must again pass an examination before the County Board of Examiners.

BRAZIL.

The candidate for admission to practice dentistry in Brazil must present a reputable diploma from a recognized foreign dental college. He is then required to pass an examination before the Medical Faculty at the college either at Rio de Janeiro or Bahia. The candidate must pass two series of examinations, *viz.:* First, anatomy, physiology, histology, etc.; secondly, hygiene, therapeutics, operative and prosthetic dentistry.

The examinations are: written, practical demonstrations, and oral. The latter are the final examinations, and are conducted by three professors of the Faculty of Medicine in the French or Portuguese language.

The examinations can be obtained within one month from the time of application. After satisfactorily passing the examinations of the Medical Faculty, the diploma held by the candidate must first be recorded by the Board of Hygiene, before he can commence the practice of dentistry in Brazil.

If the candidate does dot possess a recognized dental diploma, he must take three courses in the dental department of the Medical College. Before matriculating, he must present a certificate showing that he has taken a collegiate course, or has passed a satisfactory examination in such branches as algebra, geography, French, etc.

CUBA.

The laws and plans of the studies which a student is subjected to before he can practice dentistry in Cuba are as follows: The student is required to undergo three years of study and practice to complete his course. There is no dental department connected with the university, hence the studies pertaining to the dental course are conducted in academies specially authorized for this purpose by the General Government and the Royal University.

The candidate must inscribe his name in the university each year after having passed successfully the preliminary studies, that he be allowed to enter the above mentioned academies.

After three years of study and practice acquired during that time, either at the academy, in hospitals, State prisons, public establishments, or in the office of a practicing dentist, the candidate must submit to a final examination for his degree. This examination is held in the Royal University, at Havana, Cuba, and under the supervision of three doctors, professors of the university, and two dentists. The examinations in anatomy, physiology, pathology, therapeutics and materia medica are conducted by the Doctors in Medicine; whereas the examination in operative and mechanical dentistry and metallurgy are in charge of the dentists. Before passing this theoretical examination, the candidate must undergo the examinations in operative and prosthetic dentistry. The student is required to perform some dental operation, generally the extraction of a tooth, because of its brevity. This operation is performed in the aforesaid public establishments, and under the observance of the above mentioned tribunal, who inspect the operation. The prosthetic examination then follows. The student is required to make an artificial denture, or some similar mechanical operation. This denture, together with the patient for whom it is destined, are presented at the university. He must present a certificate from some academy or practicing dentist, at whose office he has performed the work, certifying that the denture was made by himself.

He must then pass the theoretical examination, consisting as above mentioned of the following studies: Anatomy, physiology, pathology, therapeutics, materia medica, protesis and metallurgy. The examination on each branch lasts ten minutes. When these are finished the aforesaid tribunal decides whether the candidate be passed or rejected. The expenses of the course are as follows: To the academies must be paid the amount of $8.50 to $17 in Spanish gold, monthly; the official examination costs $25.75 in Spanish gold. This amount is required for acquiring the right to be examined. The final examination for the degree incurs an expense of $120, Spanish gold. If these requirements are not complied with, the degree is void, and the profession cannot legally be practiced.

A practicing dentist is required to pay the Government a tax of $60, Spanish gold, annually. However, the dentists of Cuba have formed an association, and thus the tax is reduced, pro rata, varying from $30 to $100, Spanish gold, annually.

DENMARK AND DANISH PROVINCES.

Any person desirous of practicing dentistry in Denmark or its Provinces, must first pass a preparatory examination in Danish history, geography, geometry, algebra, English or French, and two exercises.

The regular dental examination is conducted by members of the Medical Faculty and several dentists appointed by the Board of Health. These examinations are held semi-annually, in May and December. In the technical or practical trial, the candidate must give proof of his dexterity in the setting and insertion of a single artificial tooth and six partial or full dentures.

In operative dentistry, he must also, by practical demonstration, prove his ability to creditably perform the various operations in the mouth.

He must procure the patients and the necessary materials himself; whereas tools and the use of the laboratory, for certain hours daily, will be designated by the dentists of the Board of Examination, who will have special control over the practical trial. The work must be finished within fourteen days, and be judged by the whole board.

The dentist appointed as special supervisor of this trial, receives 20 R.*

The theoretical trial is conducted by the whole board, and the examinations are verbal, consisting of the subjects as follows:

a. Anatomy and physiology of the face, teeth, gums, and the whole mouth.

b. Pathology of the mouth, more especially of the teeth, gums and jaw-bones; also of the diseases of the teeth and gums.

c. The preparation and effects of the medicines, generally used in dentistry.

d. A knowledge of dental instruments and their application. Indications for the different operations, and their practical execution. In each of the verbal branches, the examination lasts for half an hour; that on the operations and instruments, not more than one hour.

20 R. entrance-fee is charged for examination.

The candidate may be re-examined within five months, if he fails to pass in the first trial; but he need not again be examined in the technical branch, if its results have previously been satisfactory. No dentist is allowed to administer an anæsthetic without the presence of a medical practitioner, who is entitled to a fee for his services from the dentist who employs him.

* 1 Riss is about $\frac{50}{100}$ cents.

FRANCE.

In France, no person is allowed to practice the profession of dentistry, unless he or she possess a recognized dental or medical diploma.

It is stipulated that none but a doctor of medicine, officer of health, or one who has passed an examination for the title of dental surgery, have such rights.

The dentist is forbidden to use anæsthetics, either general or local (cocaine, nitrous oxide or ether spray), without the assistance of a recognized physician or surgeon.

Below is given the text *in extenso* of the projected law concerning the practice of medicine, which has been agreed upon by the committee of the Senate. This text is complete, definite, and will not be modified until the public discussion. It has already been communicated to the deputies who form part of the committee of the Chamber of Deputies, and to the Government Commissioner, M. Brouardel, and it has been the subject of various discussions between the committee of the Senate, the representatives of the Chamber and the Ministry, and as a result a series of modifications have been added.

[NOTE.—There have been many inquiries as to what time the discussion of this project before the Senate will take place. It is impossible that it shall be discussed in 1891, because the moment the discussion on the custom duties will have closed, the Senate will take up the financial laws, which will occupy the attention of the High Assembly till January 1st, provided it can finish their examination by that time. We are informed that M. Cornil will introduce his report at the end of this month or in the beginning of January. The discussion will then seriously come before the Senate during the month of January. After the vote of the Senate, the law will return to the Chamber. Placing things at their best, if it passes the Chamber, as it is to be hoped that it will, after the agreement between the delegates of the Chamber and the Senate, the law can be promulgated in March or April. It must not be forgotten that, according to article 36, it will be applicable only one year after its promulgation. The regulations, consultations of the Committee on Hygiene, the Academy of Medicine and the Superior Council of Public Instruction, decreed by diverse articles of this project, will necessitate that delay, at least. Therefore, it will not be

executed before the month of April, 1893, at the earliest. —*Revue Odontologique.*]

[Extracts from the text of the project of the law on the practice of medicine, proprosed by the committee of the Senate. Published by the *Semaine Medicale.*]

CHAPTER II.

Conditions for the Practice of the Profession of Dentistry.

ART. 2. The practice of dentistry is prohibited to any person who does not possess a diploma of a doctor of medicine, or that of an officer of health, or a dentist. The diploma of dentist will be issued by the French government after an examination passed at an establishment of superior medical instruction of the state, and following a course of studies decided upon by the Superior Council of Public Instruction.

Those dentists who are not provided with this special diploma cannot practice general anæsthetics without the assistance of a doctor of medicine, or an officer of health.

CHAPTER III.

Practice of Medicine, Dentistry and Midwifery.

ART. 5. From the time prescribed by the article 37 for the application of the law, doctors, dentists and midwives coming from foreign countries, whatever their nationality, can only practice their professions in France on condition of having obtained a diploma of a doctor of medicine, or midwifery, or dentist, with the stipulations contained in articles 1, 2 and 3.

Dispensations can be granted by a Minister, conformable to the regulation of the Superior Council of Public Instruction.

ART. 9. Doctors of medicine, officers of health, dentists and midwives are obliged, after one month's sojourn in the place selected for their residence, to register their title, free of charge, in the prefecture or sub-prefecture, and also at the registry of the civil court of their district.

The change of residence to another one necessitates a new registry of title within the same space of time.

Those who have never practiced or have ceased to practice since two years, and desire to devote themselves to the practice of their profession, must equally register their title, and in the same manner.

ART. 10. Each year separate lists are prepared by the prefects and the judicial authorities, bearing the names and surnames, residences, dates and places of reception of doctors, dentists and midwives, provided by articles 1 and 2.

These lists are exposed every year, about the first half of January, in all the public buildings of the district. Certified copies of same are transmitted to the Ministers of Interior, Public Instruction and Justice.

The statistics of the medical staff in France and the colonies are prepared each year under the care of the Minister of Interior.

ART. 11. The simultaneous practice of the professions of medicine, dentistry or midwifery with that of a pharmacist or herbalist, is prohibited, even in case the person possesses the necessary titles for the practice of those professions.

This rule has no retroactive effect.*

CHAPTER VI.

Transitory Provisions.

ART. 30. Foreign doctors and midwives who have been authorized to practice their profession before the promulgation of the present law, will continue to enjoy this privilege under the conditions as it has been given them.

ART. 31. Officers of health accepted prior to the present law, and those accepted under the conditions determined by

* At the meeting of the Senate, March 18th, 1892, all the articles of the law were passed, with the exception of the second paragraph of Article 2, which is printed above in Italics, and which has been returned to the Chamber of Deputies for revision, after a spirited discussion, which lasted two days.

The general opinion seems to be opposed to the restrictions of the right of a qualified dentist to administer anæsthetics.

article 33 below, have the right to practice medicine in all parts of the Republic.

ART. 32. A dispensation from the Superior Council of Public Instruction will determine these conditions, when *a*, an officer of health can obtain the degree of doctor of medicine; and *b*, a dentist who complies with the transitory dispensations can obtain a diploma of dentist.

ART. 33. Scholars who, at the time of the promulgation of the present law, will have just entered upon the studies for the position of an officer of health, can continue their medical studies, according to the rules previously in force, and obtain the diploma of an officer of health.

ART. 34. The right to practice dentistry, by the transitory dispensation, is granted to every dentist upon the production of proof that he has been practicing for two years up to the day of the promulgation of the present law. This privilege, however, does not give the right to a dentist, in the circumstances indicated in the preceding paragraph, to practice anæsthetics in any case.

ART. 35. The right to continue the practice of their profession is maintained for midwives of the first and second classes, accepted by virtue of articles 30, 31 and 32 of the law of the 19 ventôse, xi, or by succeeding ministerial decrees.

ART. 36. The present law is applicable after one year from its promulgation.

ART. 37. The present law is applicable in Algiers and the colonies, without prejudice to the special provisions by laws, decrees and regulations concerning the practice of medicine in their respective territories.

GERMANY.

Laws Regulating the Practice of Dentistry and the Examination of Dentists in the German Empire.

SECTION 1. The following are authorized to confer the degree of dentist for the Empire:

1. The central authorities of those federal states which have one or more state universities, and the respective Ministries for the empires of Prussia, Bavaria, Saxony and Würtemberg; the grand dukedoms of Baden, Hessen and Mecklenburg-Schwerin; and in common with the Ministries of the grand dukedom and dukedoms of Saxony.

2. The Ministry for Elsas-Lorraine.

SEC. 2. The degree is conferred on those who have passed satisfactorily the dental examination, according to the regulations mentioned below.

SEC. 3. The examination of dentists takes place before one of the committees formed for the examination of physicians, to which committee at least one practical dentist is added for that purpose. The chairman conducts the examinations, is entitled to be present at all of them, takes care that all the rules concerning the order of examinations are strictly observed, fills the vacancy in case of a member being absent, reports immediately after the close of each examination period to the proper authority about the actions of the committee, and gives account of the fees. Each year there are two examinations, one in the summer and the other in the winter semester. The applications for examination are to be made to the proper authorities before the 1st of April and the 1st of November, respectively. Delayed applications will only be considered for exceptional causes.

SEC. 4. To be admitted to examination, the following conditions must be fulfilled by the applicants:

1. He must be a graduate of a German gymnasium, or real school, or have passed a similar examination before an Examining Board attached to the above educational institutions;

2. Must have served at least one year's apprenticeship

at some higher dental institution or with some qualified dentist;

3. Followed a course of dental studies for at least four semesters at the universities of the German Empire.

To the application for examination must be added the proofs, in original, of the fulfillment of the above conditions, and also a short autobiography.

SEC. 5. The examination consists of four divisions:

I. In the first division, the candidate is given, by the chirurgical member of the Examining Board, to examine a case where the teeth and gums are affected, to establish the diagnosis and prognosis, as well as the remedy in the case, the result to be entered at once in a protocol countersigned by the examiner; which, together with a critical report on the sick case, made and signed the same day, is to be delivered on the next morning to the examiner.

II. The second division has three parts:

1. Anatomy and physiology;

2. General pathology, therapeutics and the healing art, including toxicology;

3. Local surgical-dental pathology and therapeutics.

In each part, the candidate must answer, privately, in writing, two questions under the special supervision of a member of the Examining Board, without the use of any expedients. The questions are determined by lot.

III. In the third division, which consists of two parts, the candidate has to prove, in the presence of the examiner:

1. His practical knowledge of the application of different dental instruments, as well as in the performance of a dental operation on a living subject, and besides make at least two fillings—one of them in gold—two extractions, and one cleaning of the teeth;

2. His practical knowledge of "substitutes" and regulation apparatus, and also prepare at least one "substitute" piece and an apparatus for the mouth of a living person.

IV. In the fourth division, the candidate is examined,

orally, in anatomy, physiology, pathology and diathesis of the teeth, the diseases of same and of the gums, the preparation and action of dental medicines, and the application of the different dental operations. The examination in this division is public.

SEC. 12. Qualified physicians who desire to receive the degree of dentist are only required to pass an examination in the first, third and fourth divisions, the others being dispensed with.

SEC. 13. The fees for the whole examination are seventy Marks, the charges being made for every department separately. If any person withdraws from examination in some parts, or is not admitted to the same, the money paid is refunded.

SEC. 15. The Chancellor of the Empire, in consultation with the proper central authorities, decides cases where special dispensations are to be granted.

The above rules take effect on November 1st, 1889.

Any person who, without being qualified for it, assumes the title of doctor or dentist, or adds any similar title by which the belief is created that the possessor thereof is a qualified medical person, shall be fined three hundred Marks, or, in default, shall be imprisoned for a length of time stipulated in these statutes. (Statutes regulating the professions in the German Empire, 1886.)

GREAT BRITAIN.

ENGLAND AND THE BRITISH POSSESSIONS.

The Dentists' Act, 1878, 41 and 42 Vict., Cap. XXXIII.

An Act to amend the Law relating to Dental Practitioners, (*July 22nd, 1878.*)

Whereas, it is expedient that provision be made for the registration of persons specially qualified to practice as dentists in the United Kingdom, and that the law relating to persons practicing as dentists be otherwise amended;

Be it therefore enacted by the Queen's most Excellent Majesty, by and with advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

SECTION 1. This Act may for all purposes be cited as the Dentists' Act, 1878.

SEC. 2. In this Act, "General Council" means the General Council of Medical Education and Registration of the United Kingdom, established under the Medical Act of 1858, and "Branch Council" means a branch of the said Council as constituted by the same Act:

"General Registrar" means the person appointed to be the Registrar by the General Council, and "Local Registrar" means the Registrar appointed by a Branch Council under the Medical Act, 1858:

"British Possession" means any part of Her Majesty's dominions exclusive of the United Kingdom:

"Medical Authorities" means the bodies and universities who choose members of the General Council.

REGISTRATION.

SEC. 3. From and after the first day of August, one thousand eight hundred and seventy-nine, a person shall not be entitled to take or use the name or title of "dentist" (either alone or in combination with any other word or words), or of

"dental practitioner," or any name, title, addition, or description, implying that he is registered under this Act, or that he is a person specially qualified to practice dentistry, unless he is registered under this Act. *It is hereby declared that the words "title, addition, or description," where used in the Dentists' Act, 1878, include any title, addition to a name, designation or description, whether expressed in words or by letters, or partly in one way and partly in the other.**

Any person who, after the first day of August, one thousand eight hundred and seventy-nine, not being registered under this Act, takes or uses any such name, title, addition, or description as aforesaid, shall be liable, on summary conviction, to a fine not exceeding twenty pounds, provided that nothing in this section shall apply to legally qualified medical practitioners.

SEC. 4. With respect to the offense of a person not registered under this Act, taking or using any name, title, addition, or description as above in this Act mentioned, the following provisions shall have effect:

1. He shall not be guilty of an offense under this Act—

(*a.*) If he shows that he is not ordinarily a resident in the United Kingdom, and that he holds a qualification which entitles him to practice dentistry or dental surgery in a British possession or foreign country, and that he did not represent himself to be registered under this Act; or

(*b.*) If he shows that he has been registered and continues to be entitled to be registered under this Act, but that his name has been erased on the ground only that he has ceased to practice.

2. A prosecution for such offense shall be instituted only as hereinafter mentioned.

If a person takes or uses the designation of any qualification or certificate in relation to dentistry or dental surgery, which he does not possess, he shall be liable, on summary conviction or such prosecution as hereinafter mentioned, to a fine not exceeding twenty pounds.

A prosecution for any of the offenses above in this Act

*All words in Italics were enacted by the Medical Act, 1886, sec. 2.

mentioned (shall not be instituted by a private person, except with the consent of the General Council, or of a Branch Council, but) may be instituted by the General Council, by a Branch Council, or by a medical authority, if such Council or authority thinks fit, *or by a private person*.

SEC. 5. A person registered under this Act shall be entitled to practice dentistry and dental surgery in any part of Her Majesty's dominions, *subject to any local law in force in that part*, and, from and after the first day of August, one thousand eight hundred and seventy-nine, a person shall not be entitled to recover any fee or charge, in any court, for the performance of any dental operation, or for any dental attendance or advice, unless he is registered under this Act or is a legally qualified medical practitioner.

SEC. 6. Any person who—

(*a*) Any person who is a licentiate in dental surgery or dentistry of any of the medical authorities; or

(*b*) Is entitled, as hereinafter mentioned, to be registered as a foreign or colonial dentist; or

(*c*) Is at the passage of this Act *bona fide* engaged in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine, surgery or pharmacy, shall be entitled to be registered under this Act.

SEC. 7. Where a person entitled to be registered under this Act produces or sends to the General Registrar the document conferring or evidencing his license or qualification, with a statement of his name and address, and the other particulars, if any, required for registration, and pays the regulation fee, he shall be registered in the dentists' register.

Provided, that a person shall not be registered under this Act as having been, at the passing thereof, engaged in the practice of dentistry, unless he produce or transmit to the Registrar, before the first day of August, one thousand eight hundred and seventy-nine, information of his name and address, and a declaration signed by him in the form in the schedule to this Act, or to the like effect; and that the Registrar may, if he sees fit, require the truth of such declaration to be affirmed in manner provided for by the Act of

the session held in the fifth and sixth years of the reign of King William the Fourth, chapter sixty-two, entitled "An Act to repeal an Act of the present session of Parliament, [entitled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substantiate declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial oaths and affidavits,'] and to make other provisions for the abolition of unnecessary oaths." *

A person resident in the United Kingdom shall not be disqualified for being registered under this Act by reason that he is not a British subject; and a British subject shall not be disqualified for being registered under this Act by reason of his being resident or engaged in practice beyond the limits of the United Kingdom.

SEC. 8. Where a person who either is not domiciled in the United Kingdom, or has practiced for more than ten years elsewhere than in the United Kingdom, or in the case of persons practicing in the United Kingdom at the time of the passing of this Act for not less than ten years either in the United Kingdom or elsewhere, shows that he holds some recognized certificate (as hereinafter defined) granted in a British possession, and that he is of good character, such person shall, upon payment of the registration fee, be entitled, without examination in the United Kingdom, to be registered as a colonial dentist in the dentists' register.

SEC. 9. Where a person who is not a British subject, or who has practiced for more than ten years elsewhere than in the United Kingdom, or in the case of persons practicing in the United Kingdom at the time of the passage of this Act for not less than ten years, either in the United Kingdom or elsewhere, shows that he obtained some recognized certificate (as hereinafter defined) granted in a foreign country, and that he is of good character, and either continues to hold such certificate, or has not been deprived thereof for any

*All the words inclosed between brackets have been repealed by the Medical Act, 1886, section 26, in which it is enacted that "a prosecution for any such offense may be instituted by a private person accordingly."

cause which disqualifies him from being registered under this Act, such person shall, upon payment of the registration fee, be entitled, without examination in the United Kingdom, to be registered as a foreign dentist in the dentists' register.

SEC. 10. The certificate granted in a British possession or in a foreign country, which is to be deemed such a recognized certificate as is required for the purposes of this Act, shall be such certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, or document, as may be recognized for the time being by the General Council as entitling the holder thereof to practice dentistry or dental surgery in such possession or country, and as furnishing sufficient guarantees of the possession of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery. If a person is refused registration as a colonial dentist or as a foreign dentist, the General Registrar shall, if required by him, state in writing the reason for such refusal, and, if such reason be that the certificate held or obtained by him is not such a recognized certificate as above defined, such person may appeal to the Privy Council, and the Privy Council, after hearing the General Council, may dismiss the appeal, or may order the General Council to recognize such certificate, and such order shall be duly obeyed.

SEC. 11. A register shall be kept by the General Registrar, to be styled the dentists' register, and that register shall—

(*a.*) Contain in one alphabetical list all the United Kingdom dentists—that is to say, all persons who are registered under this Act as having been, at the passing thereof, engaged in the practice of dentistry or dental surgery, and all persons who are registered as licentiates in dentistry or dental surgery, of any of the medical authorities of the United Kingdom; and

(*b.*) Contain in a separate alphabetical list all such colonial dentists as are registered in pursuance of this Act; and,

(*c.*) Contain in a separate alphabetical list all such colonial dentists as are registered in pursuance of this Act.

The dentists' register shall contain the said lists made out alphabetically, according to the surnames, and shall state the full names and addresses of the registered persons, the description and date of qualification in respect of which they are registered, and, subject to the provisions of this Act, shall contain such particulars, and be in such form, as the General Council from time to time direct.

The General Council shall cause a correct copy of the dentists' register to be, from time to time, and at least once a year, printed under their directions, and published and sold, which copy shall be admissible in evidence.

The dentists' register shall be deemed to be in proper custody when in the custody of the General Registrar, and shall be of such a public nature as to be admissible as evidence of all matters therein on its mere production from that custom.

Every Local Registrar shall keep such register and perform such duties in relation to registration under this Act as the General Council from time to time direct, and receive such remuneration out of the registration fees as the General Council assign him.

Every Registrar shall, in all respects, in the execution of his discretion and duty in relation to register under this Act, conform to any orders made by the General Council under this Act, and to any special directions given by the General Council.

The General Council may, if they see fit, from time to time make, and, when made, revoke and vary orders from the registration in (on payment of the fee fixed by the orders) and the removal from the dentists' register of any additional diplomas, memberships, degrees, licenses, or letters held by a person registered therein, which appear to the Council to be granted after examination by any of the medical authorities in respect of a higher degree of knowledge than is required to obtain a certificate of fitness under this Act.

Sec. 12. The General Registrar shall, from time to time, insert in the dentists' register any alteration which

may come to his knowledge in the name or address of any person registered.

2. The General Registrar shall erase from the dentists' register the name of every deceased person.

3. The General Registrar may erase from the dentists' register the name of a person who has ceased to practice, but not (save as hereinafter provided) without the consent of that person; and the General Registrar may send by post to a person registered in the dentists' register, a notice inquiring whether or not he has ceased to practice, or has changed his residence; and, if the General Registrar does not, within three months after sending the notice, receive any answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post in a registered letter another notice, referring to the first notice, and stating that no answer thereto has been received by the Registrar, and, if the General Registrar, either before the second notice, receives the first notice back from the dead letter office of the Postmaster-General, or receives the second notice back from that office, or does not, within three months after sending the second notice, receive any answer thereto from the said person, that person shall, from the purpose of the present section, be deemed to have ceased to practice, and his name may be erased accordingly.

4. In the execution of his duties the General Registrar shall act on such evidence as in each case appears sufficient.

Sec. 13. The General Council shall cause to be erased from the dentists' register an entry which has been incorrectly or fraudulently made.

Where a person registered in the dentists' register has either before or after the passing of this Act, and either before or after he is so registered, been convicted, either in Her Majesty's dominions or elsewhere, of an offense which, if committed in England, would be a felony or misdemeanor, or been guilty of any infamous or disgraceful conduct in a professional respect, that person shall be liable to have his name erased from the register.

The General Council may, and upon the application of

any of the medical authorities shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section; and, on proof of such conviction, or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register; *provided*, that the name of a person shall not be erased under this section on account of his adopting or refraining from adopting the practice of any particular theory of dentistry or dental surgery, nor on account of a conviction for a political offense out of Her Majesty's dominions, nor on account of a conviction for an offense which, though within the provisions of this section, does not, either from the trivial nature of the offense, or from the circumstances under which it was committed, disqualify a person from practicing dentistry. Any name erased from the register in pursuance of this section, shall also be erased from the list of licentiates in dental surgery or dentistry of the medical authority of which such person is a licentiate.

Sec. 14. Where the General Council direct the erasure from the dentists' register of the name of any person, or of any other entry, the name of that person, or that entry, shall not be again entered in the register, except by direction of the General Council or by order of a court of competent jurisdiction.

If the General Council think fit in any case, they may direct the General Registrar to restore to the dentists' register any name or entry erased therefrom, either without fee or on payment of such fee, not exceeding the registration fee, as the General Council from time to time fix, and the Registrar shall restore the same accordingly.

The name of any person erased from the dentists' register at the request of any such person, or with his consent, shall, unless it might, if not so erased, have been erased by order of the General Council, be restored to the register, on his application, on payment of such fee, not exceeding the registration fee, as the General Council from time to time fix.

Where the name of a person, restored to the register in pursuance of this section, has been erased from the list of

licentiates in dental surgery, or dentistry, of any medical authority, that name shall be restored to the list of licentiates.

SEC. 15. The General Council shall, for the purpose of exercising in any case the powers of erasing from and of restoring to the dentists' register the name of a person, or an entry, ascertain the facts of such case by a committee of their own body, not exceeding five in number, of whom the quorum shall be not less than three, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the General Council.

The General Council shall, from time to time, appoint and shall always maintain a committee for the purpose of this section, and, subject to the provisions of this section, may, from time to time, determine the constitution and the number and tenure of office of the members of the committee.

The committee, from time to time, shall meet for the dispatch of business, and, subject to the provisions of this section and of any regulation from time to time made by the General Council, may regulate the summoning, notice, place, management, adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transactions and management of business, including the quorum, and, if there is a quorum, the committee may act, notwithstanding any vacancy in their body. In the case of any vacancy, the committee may appoint a member of the General Council to fill the vacancy until the next meeting of that Council.

A committee under this section may, for the purpose of the execution of their duties under this Act, employ, at the expense of the Council, such legal or other assessor or assistants as the committee think necessary or proper.

SEC. 16. There shall be payable in respect of the registration of any person who, before the first day of January, one thousand eight hundred and seventy-nine, applies to be registered under this Act, a fee not exceeding two pounds, and, in respect of the registration of any person who after that day applies to be registered, a fee not exceeding five pounds.

SEC. 17. Subject to the provisions of this Act, the General

Council may, from time to time, make, alter, and revoke such orders and regulations as they see fit for regulating the general register and the local registers, and the practice of registration under this Act, and the fees to be paid in respect thereof.

EXAMINATIONS.

SEC. 18. Notwithstanding anything in any Act of Parliament, charter, or other document, it shall be lawful for any of the medical authorities (hereinafter referred to as colleges or bodies), who have power for the time being to grant surgical degrees, from time to time to hold examinations, for the purpose of testing the fitness of persons to practice dentistry or dental surgery, who may be desirous of being so examined, and to grant certificates of such fitness; and any person who obtains such a certificate from any of those colleges or bodies shall be a licentiate in dental surgery or dentistry of such college or body, and his name shall be entered on a list of such licentiates to be kept by such college or body; each of the said colleges or bodies shall admit to the examinations, held by them, respectively, under this section, any person desirous of being examined, who has attained the age of twenty-one years, and has complied with the regulations in force (if any) as to education of such college or body.

SEC. 19. Subject to the provisions hereinafter contained with reference to a Medical Board, the Council, or the other governing body of the Royal College of Surgeons of Edinburgh, and of the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any university in the United Kingdom, respectively, may, from time to time, appoint a Board of Examiners for the purpose of conducting the examinations and granting the certificates hereinbefore mentioned.

Each of such boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, one-half of whom at least shall be persons registered under this Act, and such registration shall (notwithstanding anything in any Act of Parliament, charter, or

other document), be deemed the only qualification necessary for the membership of such board. The persons appointed by each such Council or other governing body shall continue in office for such period, and shall conduct the examinations in such manner, and shall grant certificates in such form, as such Council or other governing body may, from time to time, by by-laws or regulations, respectively, direct.

A casual vacancy in any such Board of Examiners may be filled by the Council or other governing body which appointed such board, but the person so appointed shall be qualified as the person in whose stead he is appointed was qualified, and shall hold office for such time only as the person in whose stead he is appointed would have held office.

SEC. 20. Such reasonable fees shall be paid for the certificate to be granted under this Act by the Board of Examiners of the Royal College of Surgeons of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any such university as aforesaid, respectively, as the Council or other governing body of each of those colleges or bodies may, from time to time, by by-laws or regulations, respectively, direct.

SEC. 21. The Royal College of Surgeons of England shall continue to hold examinations, and to appoint a Board of Examiners in dentistry or dental surgery, for the purpose of testing the fitness of persons to practice dentistry or dental surgery, who may be desirous of being so examined, and to grant certificates of such fitness, subject and according to the provisions of their charter, dated the eighth day of September, one thousand eight hundred and fifty-nine, and the by-laws made or to be made, in pursuance thereof; and any person who obtains such a certificate shall be a licentiate in dental surgery of the said college, and his name shall be entered on a list of such licentiates to be kept by the said college.

SEC. 22. Every medical authority shall, from time to time, when required by the General Council, furnish such Council with such information as such Council may require as to the course of study and examination to be gone through

in order to obtain such certificates as are in this Act mentioned, and generally as to the requisites for obtaining such certificates; and any member or members of the General Council, or any person or persons deputed for this purpose by such Council, or by any branch Council, may attend and be present at any such examinations.

Sec. 23. Where it appears to the General Council that the course of study and examinations to be gone through in order to obtain such certificate, as in this Act mentioned, from any of the said colleges or bodies, are not such as to secure the possession by persons obtaining such certificate of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery, the General Council may represent the same to Her Majesty's Privy Council.

Sec. 24. The Privy Council, on any representation made as aforesaid, may, if they see fit, order that a certificate granted by any such college or body, after such time as may be mentioned in the order, shall not confer any right to be registered under this Act. Any such order may be revoked by the Privy Council on its being made to appear to them, by further representation from the General Council or otherwise, that such college or body has made effectual provision, to the satisfaction of the General Council, for the improvement of such course of study or examination.

Sec. 25. After the time mentioned in this behalf in any such order in Council, no person shall be entitled to be registered under this Act in respect of a certificate granted by the college or body to which such order relates, after the time herein mentioned, and the revocation of any such order shall not entitle any person to be registered in respect of a certificate granted before such revocation.

Sec. 26. If it appears to the General Council that an attempt has been made by any medical authority to impose on any candidate offering himself for examination, an obligation to adopt or refrain from adopting the practice of any particular theory of dentistry or dental surgery, as a test or condition of admitting him to examination, or granting a certificate of fitness under this Act, the General Council may

represent the same to the Privy Council, and the Privy Council may thereupon issue an injunction to the authority so directing them to desist from such practice; and, in event of their not complying therewith, then to order that such authority shall cease to have power to confer any right to be registered under this Act so long as they continue such practice.

SEC. 27. A certificate under this Act shall not confer any right or title to be registered under the Medical Act, 1858, in respect of such certificate, nor to assume any name, title, or designation implying that the person mentioned in the certificate is by law recognized as a licentiate or practitioner in medicine or general surgery.

SEC. 28. In the event of a board being at any time after the passage of this Act established, whether under the name of a medical board or otherwise, for nominating, on behalf of any two or more of the medical authorities, examiners of persons desirous of practicing medicine or surgery, whether such board (in this Act referred to as a medical board) is established under the Medical Act, 1858, or otherwise, a person shall not receive a certificate of fitness to practice as a dentist from any medical authority represented on such board, or, if such board is established for the whole of England, Scotland or Ireland, shall not be entitled to be registered in respect of any certificate obtained in England, Scotland or Ireland, as the case may be, unless he has obtained from such board a certificate that he has shown by examination that he is qualified to practice dentistry or dental surgery; *provided*, that one-half at least of the examiners at any such examination shall be persons registered under this Act. The Medical Board shall, in such manner as may be from time to time directed by the General Council, certify to the General Registrar and to the medical authorities the persons who have shown by examination that they are qualified to practice dentistry or dental surgery, and every person so certified shall, on application, receive from the Royal College of Surgeons of England, or the Royal College of Surgeons of Edinburgh, or the Faculty of Physicians and Surgeons of Glasgow, or the Royal College of Surgeons of Ireland,

a certificate of fitness constituting such person a licentiate in dental surgery or dentistry of such college or faculty. If a medical authority certify to the General Registrar the names and addresses of the persons who, having been so certified by a Medical Board, have received certificates from that authority, together with the other particulars required for the registration of such persons, the General Registrar may, upon payment of the registration fee, register every such person in the dentists' register without application from that person.

The General Council shall have the same power of making rules respecting the examination of persons desiring to obtain certificates of being qualified to practice dentistry or dental surgery, as they have for the time being in respect of the examination of persons desiring to obtain a qualification to practice medicine and surgery, and there shall be the same right of appeal to the Privy Council against such rules.

The General Council and the Privy Council shall have the same control over the medical board, so far as regards the examination of persons desiring to practice dentistry or dental surgery, as they have as regards the examination of persons desiring to practice medicine and surgery, and shall have the same power of dismissing the members of such board.

The General Council may cause to be framed, and may approve, and, when approved, submit to the Privy Council a scheme to carry into effect the provisions of this Act, with respect to a medical board, and rules respecting examinations; and for extending, with or without any exception or modification, to the examination of persons desirous of practicing dentistry or dental surgery, the provisions of any Act for the time being in force, with respect to the examination of persons desiring to practice medicine or surgery, and any such scheme, when confirmed by the Privy Council, shall have full effect.

Any such scheme may provide for the fees to be paid on admission to the examinations, and for the application of such fees for public purposes, and generally for such mat-

ters as appear to be necessary or proper for carrying into effect the scheme and regulating the examinations.

It shall be lawful for Her Majesty, at any time after the said appointed day, to declare by order in Council that section 28 of the said Dentists' Act, 1878, shall be in force on and after a day to be named in such order, but, in the meantime, until such order has been made, and before such day as last aforesaid, such section shall not be deemed to be in force.

Enacted by the Medical Act, 1886, section 26.

TABLE OF REGISTRABLE QUALIFICATIONS.

(To Practice Dentistry in the United Kingdom.)

WITH ABBREVIATIONS USED TO DENOTE THEM.

Original or Additional Qualifications.		Qualifications.	Abbreviations.
	United Kingdom Dentists.	Licentiate in Dental Surgery of the Royal College of Surgeons of England.	Lic. Den. R. Coll. Surg. Eng.
		Licentiate in Dental Surgery of the Royal College of Surgeons in Edinburgh.	Lic. Den. R. Coll. Surg. Edin.
		Licentiate in Dental Surgery of the Faculty of Physicians and Surgeons of Glasgow.	Lic. Den. Surg. Fac. Phys. Surg. Glasg.
		Licentiate in Dental Surgery of the Royal College of Surgeons in Ireland.	Lic. Den. Surg. R. Coll. Surg. Irel.
	Foreign Dentists.	Doctor of Dental Medicine of the University of Harvard.	D. D. M. Univ. Harv.
		Doctor of Dental Surgery of the University of Michigan.	D. D. S. Univ. Mich.

SUPPLEMENTAL.

Sec. 29. A copy of the register of dentists for the time being, purporting to be printed and published in pursuance of this Act, shall be evidence in all cases (until the contrary be made to appear) that the person therein specified is registered

according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not registered according to the provisions of this Act; *provided*, that, in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the Registrar of the General Council, of the entry of the name of such person in the dentists' register, shall be evidence that such person is registered according to the provisions of this Act.

The following copies of any orders made in pursuance of the Medical Act or Acts, or the Dentists' Act, 1878, shall be evidence; that is to say,

1. *Any copy purporting to be printed by the Queen's printer, or by any other printer, in pursuance of an authority given by the General Council;*

2. *Any copy of an order, certified to be a true copy by the Registrar of the General Council, or by any other person appointed by the General Council, either in addition to or in exclusion of the Registrar to certify to such orders.* (Enacted by the Medical Act of 1886; section 26.)

Sec. 30. Every person registered under this Act shall be exempt, if he so desires, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia; and the name of any registered person shall not be returned in any of the persons liable to serve in the militia, or any such office as aforesaid.

Sec. 31. The powers, by this Act vested in the Privy Council, may be exercised by any two or more of the Lords and others of Her Majesty's Most Honorable Privy Council.

Any order made by the Privy Council, or any appeal to them under this Act, may be made conditionally or unconditionally, and may contain such terms and directions as to the Privy Council seem just.

Sec. 32. All moneys arising from fees paid on registration, or from the sale of copies of the registers, or otherwise received by the General Council under this Act, shall be applied in accordance with such regulations as may be, from

time to time, made by the General Council, in defraying the expenses of registration and the other expenses of the execution of this Act, and subject thereto, towards the support of museums, libraries, or lectureships, or for public purposes connected with the profession of dentistry or dental surgery, or towards the promotion of learning and education in connection with dentistry or dental surgery.

The Treasurers of the General and Branch Councils shall enter in books, to be kept for that purpose, a true account of all sums of money by them received and paid under this Act; and such accounts shall be submitted by them to the General Council and Branch Council, respectively, at such times as the Councils may respectively require. Such accounts shall be published annually, and shall be laid before both Houses of Parliament in the month of March in every year, if Parliament be then sitting, or, if Parliament be not sitting, then within one month after the commencement of the next sitting of Parliament.

SEC. 34. Any Register who willfully makes, or causes to be made, any falsification in any matter relating to any register under this Act, shall be deemed guilty of a misdemeanor in England, or Ireland, or in Scotland, of a crime or offense punishable by fine or imprisonment, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

SEC. 35. Any person who willfully procures, or attempts to procure, himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanor in England, and Ireland, and in Scotland, of a crime or offense punishable by fine or imprisonment, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

SEC. 36. Every Registrar of deaths in the United Kingdom, on receiving notice of the death of any person registered under this Act, shall forthwith transmit by post to the

Registrar of the General Council, and to the Registrar of the Branch Council for that part of the United Kingdom in which the deaths occurs, a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate and transmission as an expense of his office.

SEC. 37. Any person who has been articled as a pupil, and has paid a premium to a dental practitioner entitled to be registered under this Act, in consideration of receiving from such practitioner a complete dental education, shall, if his articles expire before the first day of January, one thousand eight hundred and eighty, be entitled to register under this Act as though he had been in *bona fide* practice before the passing of this Act. Moreover, it shall be lawful for the General Council, by special order, to dispense with such of the certificates, examinations, or other conditions for registration in the dentists' register required under the provision of this Act, or under any by-laws, orders, or regulations made by its authority, as to them may seem fit, in favor of any dental students or apprentices who have commenced their professional education or apprenticeship before the passing of this Act.

SEC. 38. All by-laws, orders and regulations made by the General Council, or by any medical authority under the authority of this Act, shall be made, and may be, from time to time, altered or revoked in such manner, and subject to such approval or confirmation (if any) as in the case of other by-laws, orders, or regulations, made by such medical authority.

SEC. 39. Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent, may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of the post; and, if proving such sending it, shall be sufficient to prove that the letter containing the notice or document was prepaid and properly addressed, and put into the post.

Such notices and documents may be in writing or in print, or partly in writing and partly in print, and, when sent

to the General Council, or a medical board or a medical authority, shall be deemed to be properly addressed if addressed to the General Council, medical board, or medical authority, or to some officer of such Council, board or authority, at the principal office or place of business of such Council, board or authority; and, when sent to a person registered in the medical register, shall be deemed to be properly addressed if addressed to him according to his address registered in that register.

Sec. 40. All fees under this Act may be recovered as ordinary debts due to the General Council, and all penalties under this Act may be recovered and enforced as follows, that is to say: In England, before two or more Justices of the Peace, in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, entitled "An Act to facilitate the performance of the duties of Justices of the Peace," out of sessions, within England and Wales, with respect to summary convictions and orders, and any Act amending the same; and in Scotland, before the Sheriff or Sheriff's substitute, or two Justices, in manner provided by the Summary Procedure Act, 1864, and any Act amending the same; and in Ireland, within the police district of Dublin metropolis, in manner directed by the Acts regulating the powers and duties of Justices of the Peace for such district, or of the police of such district, and elsewhere in Ireland, before two or more Justices of the Peace in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

SCHEDULE.

Declaration required to be made by a person who claims to be registered under the Dentists' Act, 1878, on the ground that he was *bona fide* engaged in practice of dentistry at the date of the passing of the Dentists' Act, 1878.

I, ..., residing at ....., hereby declare that I was *bona fide* engaged in the practice

of dentistry at ...., at the date of passing the Dentists' Act, 1878.

(Signed) .....

(Witness) .....

Dated this ..... day of ....., 18.....

NOTE.—Any person who willfully procures, or attempts to procure, himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him therein, is liable under the Dentists' Act, 1878, to imprisonment for twelve months.

(This Act is taken from the DENTISTS' REGISTER, printed and published under the direction of the General Council of Medical Education and Registration of the United Kingdom.)

NEW ZEALAND.

The New Zealand Dental Act was passed by the New Zealand Parliament, and went into effect after the first day of June, 1881, provided for the registration of dentists qualified to practice in the country.

The qualifications for registration are both for colonial and foreign dentists, that they shall show that they are of good moral character, and shall have been at the time of the passage of the Act *bona fide* engaged in the practice of dentistry or dental surgery, either separately, or in conjunction with the practice of medicine, surgery or pharmacy; or that they shall show that they hold some recognized diploma, membership, degree or license, letters, testimonial or other title, status or document, as may be recognized by the Board of Examiners (consisting of six persons appointed by the Senate of the University of New Zealand), as entitling the holder thereof to practice dentistry or dental surgery in that colony, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery. A fine of twenty pounds

is imposed upon those practicing without registration, and it is provided that they shall not be entitled to recover in any court any fee or charge for the performance of any dental operation.

The Act provides for an appeal from the Board of Examiners, when they have decided adversely to the claims of an applicant for registration, to the Governor in Council, who may, upon sufficient evidence, order the board to recognize the certificate or qualification of the applicant.

A penalty of imprisonment for a term not exceeding twelve months is imposed upon any person who willfully procures, or attempts to procure, registration under the Act by false or fraudulent representation.

An Act to Provide for the Registration of Dentists Qualified to Practice in New Zealand.

Whereas, it is desirable to provide for the registration of persons practicing as dentists;

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

SECTION 1. The short title of this Act is "The Dentists' Act, 1880."

SEC. 2. In this Act, if not inconsistent with the context, "Senate" means the Senate of the University of New Zealand; "Dentist" means a person registered under this Act; "Registration" and "registered," respectively, mean registration under this Act and registered under this Act; "The said Act" means and includes the Imperial Act, 41 and 42 Vict., cap. 33, and entitled "The Dentists' Act, 1878; "Registrar-General" means the Registrar-General of births, deaths, and marriages.

SEC. 3. From and after the first day of June, one thousand eight hundred and eighty-one, a person other than a legally qualified medical practitioner shall not be entitled to take or use the name or title of dentist (either alone or in combination with other words), or of dental practitioner, or any name, title, addition, or description implying that he is registered under

this Act, or that he is a person specially qualified to practice dentistry, unless he is registered under this Act.

Any person who, after the first day of June, one thousand eight hundred and eighty-one, not being registered under this Act, takes or uses any such name, title, addition, or description as aforesaid, shall be liable, on summary conviction, to a fine of not exceeding twenty pounds; *provided*, that nothing in this section shall apply to any person registered under the said Act, or to any legally qualified medical practitioner.

Sec. 4. A person registered under this Act shall be entitled to practice dentistry and dental surgery in any part of New Zealand; and, from and after the first day of June, one thousand eight hundred and eighty-one, a person shall not be entitled to recover any fee or charge in any court for the performance of any dental operation, or for any dental attendance or advice, unless he is registered under this Act, or is registered under the said Act, or is a legally qualified medical practitioner.

Sec. 5. Any person who—

(*a*) Is registered under the said Act;

(*b*) Is entitled to be registered under the said Act;

(*c*) Is at the passing of this Act *bona fide* engaged in the practice of dentistry and dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy; or

(*d*) Is entitled to be registered as a foreign and colonial dentist,

shall be entitled to be registered under this Act.

Sec. 6. Any person showing that he holds some recognized certificate, as hereinafter defined, granted in a British possession, and that he is of good character, shall, upon payment of the registration fee, be entitled, without examination, to be registered under this Act.

Sec. 7. Any person showing that he holds some recognized certificate, as hereinafter defined, granted in a foreign country, and that he is of good character, and either continues to hold such certificate or has not been deprived thereof for any cause which disqualifies him for being registered un-

der this Act, shall, upon payment of the fees, be entitled, without examination, to be registered under this Act.

SEC. 8. The certificate granted in a British possession or in a foreign country, which is to be deemed such a recognized certificate as is required for the purposes of this Act, shall be such a certificate, diploma, membership, degree, license, letters, testimonial, or other title, status or document as may be recognized by the Board of Examiners as entitling the holder thereof to practice dentistry or dental surgery in such possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery.

SEC. 9. If a person is refused registration as a colonial dentist, or as a foreign dentist, the Board of Examiners shall, if required by him, state in writing the reason for such refusal; and, if such reason be that the certificate held or obtained by him is not such a recognized certificate as above defined, such person may appeal to the Governor in Council, and the Governor in Council may, after hearing the Board of Examiners, order the Board of Examiners to recognize such certificate, and such order shall be duly obeyed.

SEC. 10. When a person entitled to be registered under this Act produces or sends to the Registrar-General the document conferring or evidencing his qualification, with a statement of his name and address, and the other particulars, if any, required for registration, and pays the registration fee, he shall be registered in the Dentists' Register; *provided*, that a person shall not be registered under this Act as having been at the passing thereof engaged in the practice of dentistry, unless he produces or transmits to the Registrar before the first day of June, one thousand eight hundred and eighty-one, information of his name and address, and a declaration signed by him in the form of the Schedule to this Act.

SEC. 11. The Senate may, from time to time, appoint a Board or Boards of Examiners for the purpose of conducting examinations and granting certificates under this Act.

Each of such boards shall be called Board of Examiners in dental surgery or dentistry, and shall consist of not

less than six members, who shall be either qualified medical practitioners or persons registered under this Act.

Sec. 12. The persons appointed by the Senate shall continue in office for such period, and shall conduct the examinations in such manner, and shall grant certificates in such form, as such Senate may, from time to time, by by-laws or regulations respectively direct.

Sec. 13. A casual vacancy in any such Board of Examiners may be filled by the Senate which appointed such board, but the person so appointed shall be qualified as the person in whose stead he is appointed, and shall hold office for such time only as the person in whose stead he is appointed would have held office.

Sec. 14. Such reasonable fees shall be paid for the certificates to be granted under this Act by the Board of Examiners, as the Senate may, from time to time, by by-laws or regulations respectively direct.

Sec. 15. If it appears to the Senate that an attempt has been made by any Board of Examiners, to impose on any candidate offering himself for examination an obligation to adopt or refrain from adopting the practice of any particular theory of dentistry or dental surgery, as a test or condition of admitting him to examination or granting a certificate of fitness under this Act, the Senate may represent the same to the Governor in Council, and the Governor in Council may, thereupon, issue an injunction to the authority so acting, directing them to desist from such practice; and, in the event of their not complying therewith, then to order that such authority shall cease to have power to confer any right to be registered under this Act so long as they continue such practice.

Sec. 16. Any person who willfully procures, or attempts to procure, himself or any other person to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to be imprisoned for any term not exceeding twelve months.

Sec. 17. Any Registrar who willfully makes, or causes to be made, any falsification in any matter relating to any register under this Act, shall be liable to be imprisoned for any term not exceeding twelve months.

REGISTRATION.

Sec. 18. The Registrar-General shall keep in his office a book in which shall be inserted the names and residences of all persons registered under this Act, which book is referred to herein as the "Register" or "Dentists' Register."

Sec. 19. On application made to him at any time for that purpose by any registered dentist, the Registrar-General shall issue to such applicant a certificate of registration.

Sec. 20. The book as aforesaid shall be open to inspection by the public.

Sec. 21. The Registrar-General shall, from time to time, erase the names of all registered persons who shall have died, and shall, from time to time, make the necessary alterations in the addresses of the persons registered under this Act.

Sec. 22. A true copy of the register aforesaid, certified by the Registrar-General to be a true copy, shall, in the month of December in each year, be sent to the Colonial Secretary, and shall by him be published in the New Zealand Gazette of the colony; and any copy of the register so published shall be evidence in all courts of law, and before all Resident Magistrates and Justices of the Peace and others, that the persons therein specified are registered according to the provisions of this Act. *Provided*, that, in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the Registrar-General, of the entry of the name of the person, shall be evidence that such person is registered.

Sec. 23. The Registrar-General shall take and receive the under-mentioned fees:

On application	One pound.
Certificate of registration	Five shillings.
Any alteration of register	Five shillings.
Inspection of register	Two shillings.

SEC. 24. All fees accruing under this Act shall form part of the Consolidated Fund of the colony.

SCHEDULE.

Declaration required to be made by a person who claims to be registered on the ground that he was *bona fide* engaged in the practice of dentistry at the date of the passing of "The Dentists' Act, 1880."

I, ..., residing at ....., hereby declare that I was *bona fide* engaged in the practice of dentistry at ....., at the date of the passing of "The Dentists' Act, 1880."

(Signed)

(Witness)

Dated this ..... day of ....., 18....

An Act to amend "The Dentists' Act, 1880."

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

SECTION 1. The short title of this Act is "The Dentists' Act, 1880, Amendment Act, 1881."

SEC. 2. In this Act, if not inconsistent with the context, "The said Act" means "The Dentists' Act, 1880."

SEC. 3. In addition to the persons mentioned in the fifth section of the said Act, as being entitled to be registered under the said Act, the following persons shall be entitled to be registered:

1. Any person who, for at least three consecutive years, has been the apprentice or pupil of a person registered under the said Act, or the Imperial Act forty-one and forty-two Victoria, chapter thirty-three, or of one or more such persons, and who has been continuously and wholly engaged during that period in studying the theory and practice of dentistry or dental surgery, and shall have obtained a certificate under the eleventh section of the said Act.

2. Any person who shall satisfy the Registrar-General

that he has been continuously engaged in the practice of dentistry or dental surgery in New Zealand for the period of five years immediately preceding the coming into operation of the said Act.

SEC. 4. In all cases where any person shall apply to be registered under the said Act, the Registrar-General may examine any such applicant, and any person whom he may deem capable of giving evidence respecting such applicant, and may conduct any such examination upon oath, and for such purpose may administer oaths; and he may decline to register such person if for any reason he is of opinion that such applicant is not really entitled to be registered under the said Act.

Provided, that any person whose application has been refused under this section may appeal to a Judge of the Supreme Court on summons in a summary way; and such Judge may either order the Registrar-General to register such applicant, or may support the Registrar-General's decision, and may in his discretion award costs against the Registrar-General, or against the said applicant.

SEC. 5. If any person shall have procured himself to be registered by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, or if any person not entitled to be registered shall have been registered, or if any registered person shall be convicted of any felony or misdemeanor in Great Britain or Ireland, or in any of the British dominions, the Registrar-General shall erase the name of any such person from the register, and such erasure shall be notified by the Registrar-General in the NEW ZEALAND GAZETTE.

SEC. 6. The words "Any Registrar who," in the first of the seventeenth section of the said Act, are hereby struck out, and the words "If the Registrar-General" inserted in place thereof, and the word "he" shall be inserted before the word "shall" in the second line of the said section.

SEC. 7. Registration under the said Act shall be effected by the entry in the dentists' register of the name, qualification, and residence of any person entitled or claiming to be registered thereunder.

VICTORIA.

An Act to Provide for the Registration of Dentists Qualified to Practice in Victoria.

Whereas, it is expedient that provision be made for the registration of persons qualified to practice as dentists within the colony of Victoria:

Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly in this present Parliament assembled, and by the authority of the same, as follows (that is to say):

SECTION 1. This Act may, for all purposes, be cited as "The Dentists' Act, 1887."

SEC. 2. In the construction and for the purposes of this Act, the following terms shall, if not inconsistent with the context, have the respective meanings hereby assigned to them (that is to say):

"Dental Board" shall mean the Dental Board appointed under the provision of this Act.

"Dentist" shall mean a person registered under this Act.

"Minister" shall mean the responsible Minister of the Crown for the time being administering this Act.

"Register" shall mean the dentists' register for qualified dentists, to be kept in pursuance of the provisions of this Act.

"Registrar" shall mean the Registrar appointed under the provisions of this Act.

DENTAL BOARD AND OFFICERS.

SEC. 3. The Governor in Council may appoint a board consisting of eight members, under the style of "The Dental Board of Victoria," hereinafter in this Act termed "The Dental Board."

SEC. 4. No person shall be appointed or elected President or member of the Dental Board for more than three years, but any person appointed or elected a member of the Dental Board shall, upon the expiration of the term for which he

was so appointed or elected, be eligible for re-appointment or re-election. The Governor in Council may from time to time remove the President or any member of the Dental Board.

SEC. 5. A quorum of the Dental Board shall consist of not less than three members thereof. In the absence of the President from any meeting of the said Board, one of the members present shall be elected Chairman of that meeting.

SEC. 6. The first members of the Dental Board, including the President, shall be appointed by the Governor in Council, without previous election, for a period of three years; *provided*, that at least four of the persons so appointed shall be persons who appear to be eligible for registration as dentists under this Act, and three shall be legally qualified medical practitioners, registered under the "*Medical Practitioners' Statute*, 1865." If any vacancy occurs in the office of member of the Dental Board during the period for which the first members of the said board are appointed, the Governor in Council may fill such vacancy by appointing, without previous election, any dentist; and the person so appointed shall hold office until the expiration of three years from the date of the appointment of the first members, and no longer.

SEC. 7. On the expiration of the period for which such first members are appointed to hold office, no person shall be eligible to be appointed a member of the Dental Board, unless he has been elected to act as a member of the said board by the dentists; and no person shall be appointed President, unless he be a member of said board, and has been elected by the other members thereof to act as President. At least four members of the said board shall be dentists, and three shall be legally qualified medical practitioners, registered under the "*Medical Practitioners' Statute*, 1865." Every election of a person to act as a member of the said board shall be held in the manner prescibed by regulations to be made by the said board, subject to the approval of the Governor in Council.

SEC. 8. The persons appointed by the Governor in Council shall conduct examinations for the purposes of this Act in such manner, and shall grant certificates in such form,

as the Governor in Council, from time to time, by regulation directs.

SEC. 9. The Dental Board may from time to time appoint a Registrar and any officers they may think fit for the purposes of this Act, and may, at any time, remove any person so appointed; and may, from time to time, subject to the approval of the Governor in Council, make, alter and repeal by-laws regulating their proceedings and sittings and the election of a Chairman and, generally, as to the conduct of their business.

REGISTER.

SEC. 10. A register shall be kept by the Registrar to be called the "Dentists' Register," and the said register shall contain in one alphabetical list, according to surnames, the names of all dentists who are registered under this Act, and shall state the full names and addresses of the registered persons, the description and date of the qualifications in respect of which they are registered, and, subject to the provisions of this Act, shall contain such particulars and be in such form as the Governor in Council from time to time directs, and the said register shall be open to inspection by the public on payment of the fees prescribed in the First Schedule hereto.

SEC. 11. The Registrar shall from time to time insert in the register any alteration which comes to his knowledge in the name or address of any person registered therein, and he shall erase from the register the name of every deceased person; and in the execution of these duties the Registrar shall act in each case on such evidence as appears sufficient.

SEC. 12. Any entry in the register which appears to the Registrar to have been irregularly or fraudulently made may be by him erased if the Minister so direct. If any person registered under this Act has, either before or after the passing thereof, and either before or after he is so registered, been convicted either in Her Majesty's dominions or elsewhere, of an offense which, if committed in Victoria, would be a felony or a misdemeanor, such person shall be liable to have his name erased from the register.

The Dental Board may cause inquiry to be made into

the case of a person alleged to be liable to have his name erased under this section, and, on proof of such conviction, shall make representation of the same to the Governor in Council, who may thereupon direct the Registrar to erase the name of such person from the register; *provided*, that the name of a person shall not be erased under this section on account of a conviction for a political offense out of Her Majesty's dominions.

SEC. 13. Any person who willfully makes, or causes to be made, any falsification in any matter relating to the register, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

SEC. 14. A true copy of the register aforesaid, certified by the Registrar to be a true copy, shall, in the month of January in each and every year, be sent to the Minister, and shall by him be published in the GOVERNMENT GAZETTE, and shall be published and sold by the Dental Board, and any printed documents purporting to be a copy of such register shall be *prima facie* evidence in all courts of law in all legal proceedings whatsoever, and before all justices and others, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from the latest of such printed copies for the time being, shall be *prima facie* evidence (until the contrary be made to appear) that such person is not so registered; *provided*, that, in the case of any person whose name does not appear in such copy, a certificate under the hand of the Registrar to the effect that such person is registered under this Act, shall be evidence that such person is registered under this Act.

SEC. 15. On application made to him at any time for that purpose, the Registrar shall, if so directed by the Dental Board, issue to any applicant a certificate to the effect that he is registered under this Act.

REGISTRATION.

SEC. 16. From and after the first day of March, one thousand eight hundred and eighty-eight, no person other

than a legally qualified medical practitioner, shall be entitled to take or use the name or title of "dentist," or of "dental practitioner," or of "dental surgeon," or any name, title, addition or description, implying that he is registered under this Act, or that he is a person specially qualified to practice dentistry (either alone or in combination with any other word or words), unless he be registered under this Act.

Any person who, after the first day of March, one thousand eight hundred and eighty-eight, not being a person registered under this Act or a legally qualified medical practitioner, takes or uses any such name, title, addition or description as aforesaid, shall be liable, on conviction, to a penalty not exceeding twenty pounds.

Sec. 17. Every person registered under this Act, and every legally qualified medical practitioner, shall be entitled to practice dental surgery and dentistry in any part of Victoria, and to sue in any court of law within Victoria, to the extent of the jurisdiction of such court, for the recovery of his fees, or other renumeration for his professional services in dentistry, or in the performance of any dental operation, or for any dental attendance or advice; and it shall be sufficient to state in the particulars of demand the words "for dental services," which shall include every demand for any dental operation, attendance, and advice, and for any articles supplied by the plaintiff to the defendant for dental purposes. From and after the first day of March, one thousand eight hundred and eighty-eight, no person shall be entitled to recover any fee or charge in any court of law for the performance of any dental operation, or for any dental attendance or advice, or shall hold any appointment as a dentist or dental practitioner or dental surgeon in any hospital, infirmary, dispensary, or lying-in hospital, or in any lunatic asylum, gaol, penitentiary or other public institution, unless he is registered under this Act, or is a legally qualified medical practitioner.

Sec. 18. Any person who:

(*a.*) Is registered, or is entitled to be registered, in the United Kingdom in accordance with the law for the time being in force therein, as a dentist or medical practitioner;

(*b.*) Is entitled, as hereinafter mentioned, to be registered under this Act as a dentist;

(*c.*) Is at the passing of this Act *bona fide* engaged in any part of Victoria in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine, surgery or pharmacy;

(*d.*) Has attained the age of twenty-one years, and has been engaged continuously during a period of not less than four years in the acquirement of professional knowledge, and has passed an examination before the board in the subjects prescribed by them, subject to the approval of the Governor in Council, shall be entitled to be registered under this Act.

SEC. 19. Any dental student who has been studying with, and any apprentice of any person entitled to be registered under this Act, who has commenced his professional education or apprenticeship at least six months before the passing of this Act, and has served as a pupil or apprentice for not less than three years, shall be entitled, on making a declaration in the form in the Third Schedule hereto to be registered under this Act, as though he had been, at the passing of this Act, *bona fide* engaged in the practice of dentistry or dental surgery in Victory.

SEC. 20. Any person, who either is not domiciled in Victoria, or has practiced dental surgery or dentistry for more than ten years elsewhere than in Victoria, showing that he holds some recognized certificate, as hereinafter defined, granted in some portion of the British possessions other than the United Kingdom, and that he is of good character, shall, upon the payment of the registation fees, be entitled, without examination, to be registered as a dentist under this Act.

SEC. 21. Any person who is not a British subject, or who either is not domiciled in Victoria, or has practiced dental surgery or dentistry more than ten years elsewhere than in Victoria, showing that he holds some recognized certificate, as hereinafter defined, granted in a foreign country, and that he is of good character, and either continues to hold such certificate, or has not been deprived thereof for any

cause which disqualifies him from being registered under this Act, shall, upon payment of the registration fees, be entitled, without examination, to be registered as a dentist under this Act.

Sec. 22. The certificate granted in a British possession, or in a foreign country, which is to be deemed such a recognized certificate as is required for the purposes of this Act, shall be such certificate, diploma, membership, degree, license, letters, testimonial, or other title, status or document, as may be recognized by the Dental Board, as entitling the holder thereof to practice dental surgery or dentistry in such possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dental surgery or dentistry.

Sec. 23. If any person is refused registration under this Act as a dentist, the Dental Board shall, if required by him, state in writing the reason for such refusal; and, if such reason be that the certificate held or obtained by him is not such a recognized certificate as above defined, such person may appeal to the Governor in Council, and the Governor in Council may, after hearing the said board, dismiss the appeal or order the said board to recognize such certificate, and such order shall be duly obeyed.

Sec. 24. The Dental Board may, from time to time, subject to the approval of the Governor in Council, make, alter and repeal regulations specifying what certificates, diplomas, memberships, degrees, licenses, letters, testimonials, or other titles, status or documents granted in a British possession, other than the United Kingdom, or granted in a foreign country, will be recognized by the said board as qualifying persons holding them, or any of them, to be registered under this Act as dentists.

The Dental Board may, when any person makes application to be registered in respect of any certificate, diploma, membership, degree, license, letters, testimonial, or other title, status or document, not specified in such regulations, entertain such application and deal with it specially, and may, if they think fit, give to such applicant a certificate of

recognition setting forth that he is the holder of a recognized certificate, and the Registrar shall take such certificate of recognition as an authority to register such applicant.

Sec. 25. When a person entitled to be registered under this Act produces or sends to the Registrar the certificate, diploma, license, letters, testimonial, or other document or writing conferring or evidencing his qualification, with a statement of his name and address, and all other particulars (if any), required for registration under this Act, and pays the registration fees, he shall be registered, and such registration shall consist in the entry by or on behalf of the Registrar in the register of such name, address, and other particulars; *provided*, that a person shall not be registered under this Act as having been before the passing thereof engaged in the practice of dental surgery or dentistry in Victoria, unless he produces or transmits to the Registrar, before the first day of March, one thousand eight hundred and eighty-eight, information of his name and address, and a declaration signed by him in the form set out in the Fourth Schedule to this Act.

A person resident in Victoria shall not be disqualified for being registered by reason only that he is not a British subject.

EXAMINATION.

Sec. 26. The Dental Board shall, at such times as are prescribed by the Governor in Council, hold examinations for the purpose of testing the fitness of persons to practice dental surgery or dentistry, and may grant certificates of such fitness to those who have satisfied the said board thereof on examination.

The Dental Board shall admit to the examinations held by them under this section, any person desirous of being examined who has attained the age of twenty-one years, and has complied with the regulations in force (if any) made by the said board as to the education of such persons.

Sec. 27. Such reasonable fees shall be paid for the certificate to be granted under this Act by the Dental Board, and for examination by the said board, as the Governor in Council, from time to time, by regulation directs.

Sec. 28. If it appears to the Governor in Council that an attempt has been made by the Dental Board to impose on any candidate, offering himself for examination, an obligation to adopt or refrain from adopting the practice of any particular theory of dental surgery or dentistry, as a test or condition of admitting him to examination or granting a certificate of fitness under this Act, the Governor in Council may thereupon issue an injunction to the said board directing them to desist from such practice.

MISCELLANEOUS.

Sec. 29. Any person who willfully procures, or attempts to procure, himself or any other person to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

Sec. 30. The Dental Board may question any person who attends before it, and any witness who may be produced before the said board, and may examine any person upon oath, or take a solemn declaration from such person; and, if any person willfully, knowingly or corruptly make any false statement upon such examination, or in such declaration, or utter or attempt to utter, or put off as true, before the said board any false, forged or counterfeit certificate, diploma, license, letter, testimonial, or other document or writing, he shall be guilty of a misdemeanor, and, being thereof duly convicted, he shall be liable to be imprisoned for any period not exceeding one year.

All offenses under this Act shall be heard and determined, and all penalties imposed by this Act shall be recovered, in a summary manner before two Justices of the Peace in Petty Sessions, and all penalties when recovered shall be paid to the Dental Board, to be applied toward the expenses of carrying this Act into effect.

Sec. 31. Subject to the provisions of this Act, the Governor in Council may, from time to time, fix the times at

which examinations are to be held under this Act, and may make, alter and revoke such orders and regulations as he thinks fit with respect to the examination of persons desiring to obtain certificates of fitness to practice dental surgery or dentistry; the granting of certificates of recognition and of fitness by the Dental Board; the keeping of the register; registration therein, and the payment of fees in respect of certificates granted by the said board under this Act, and in respect of examinations held by the said board, and generally for carrying this Act into effect.

SEC. 32. The fees mentioned in the First Schedule to this Act shall be payable by persons applying to be registered or obtaining certificates of registration under this Act, or inspecting the register, respectively, by the Registrar, and shall be applied by the Dental Board in such manner as they think fit in defraying the expenses of carrying out the provisions of this Act.

SEC. 33. All persons registered under this Act shall be exempt from serving on juries and inquests, and from serving in the militia.

Tasmania has a Dentists' Act, similar to that of Victoria.

The colony of New South Wales has no dental law.

DOMINION OF CANADA.

NORTHWEST TERRITORIES.

An Ordinance to Regulate the Practice of Dentistry in the Northwest Territories.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, enacts, as follows:

SECTION 1. That no person shall practice the profession of dentistry or dental surgery in the Northwest Territories without having first received a certificate, as hereinafter provided, entitling him to practice dentistry or dental surgery.

SEC. 2. That such certificate shall be issued by the Clerk of the Legislative Assembly, upon production to him of a diploma of graduation in dental surgery from the faculty

of any Canadian dental college, or the faculty of any Canadian university having a special dental department, or from any such institution, duly authorized by the laws of Great Britian, or any of her dependencies; or a license to practice dental surgery issued by any of the Provinces of the Dominion of Canada; or a diploma or license from a foreign dental institution which required, at the time of issue of such diploma or license, attendance at a regular course of lectures, and an apprenticeship of not less than two and one-half years; or who has been in regular practice in the Northwest Territories as a dentist or dental surgeon for a period of one month immediately preceding the passing of this ordinance, and it shall be the duty of the persons claiming to be entitled to the certificate required by this section, to produce to the said clerk evidence, satisfactory to him, of his being entitled thereto.

Provided always, that nothing herein contained shall be construed to require physicians, surgeons, or others to take out such certificates for the purpose of qualifying them to extract teeth.

SEC. 3. That, before any such certificate is granted, the applicant shall pay to the general revenue fund of the Territories the sum of twenty-five dollars, unless he is a person who, at present and for one month immediately preceding the passing hereof, has been in actual practice of dentistry and dental surgery in the Northwest Territories, and in such case he shall pay into said fund *the sum of* five dollars.

SEC. 4. After the period of six months from the passing of this ordinance, any person not holding a valid certificate issued by the said clerk, as aforesaid, who practices dentistry or dental surgery, except extracting teeth, shall be guilty of an infraction of this ordinance; and, upon conviction by any Justice of the Peace within the Territories in a summary manner, pay a fine of not less than twenty dollars, nor more than one hundred dollars, in the discretion of said Justice, and costs.

SEC. 5. That no person who has not received the certificate required by this ordinance, shall recover in any court of law

any fees or money for any materials provided by him in the practice of dentistry, or dental surgery, excepting for extracting teeth.

BRITISH COLUMBIA.

An Act to Regulate the Practice of Dentistry in the Province of British Columbia.

Whereas, the profession of dentistry is extensively practiced in Europe, the United States and the Dominion of Canada; and whereas the said profession of dentistry is protected by law in Europe, the greater portion of the United States, and in parts of Canada; and whereas, it is expedient for the protection of the public, that there should, by enactment, be established a certain standard of qualification required of each practitioner of the said profession or calling, and that certain privileges and protection should be afforded to such practitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts, as follows:

SECTION 1. That it shall be unlawful for any person to practice, or attempt to practice, the profession of dentistry or dental surgery in the Province of British Columbia, without having first received a diploma from the faculty of some reputable dental college, school or university department duly authorized by the laws of Great Britain and its dependencies, or the laws of some foreign government, and in which college, school or university department there was, at the time of issuance of such diploma, annually delivered a full course of lectures and instructions in dentistry or dental surgery, and without having had issued to him a certificate under the provisions of this Act; *provided*, that nothing in section 1 of this Act shall apply to persons who have been three months in actual practice in this Province, previous to the passage of this Act, except as hereinafter provided, and nothing in this Act shall be so construed as to prevent physicians, surgeons or others from extracting teeth.

SEC. 2. A Board of Examiners consisting of three practicing dentists, residents of this Province, is hereby created, who shall issue certificates to persons in the practice of dentistry or dental surgery in this Province, who have been three months in actual practice in said Province previous to the passage of this Act; and also to decide upon the validity and sufficiency of character of such diplomas as may be subsequently presented for registration as hereinafter provided.

SEC. 3. The members of said Board of Examiners shall be appointed by the Lieutenant-Governor in Council, upon the passage of this Act, and shall serve for a term of three years, excepting that the members of the board first appointed shall hold their offices as follows: One for three years; one for two years; one for one year, respectively, and until their successors are duly appointed.

In case of any vacancy occurring in said board, such vacancy shall be filled by the Lieutenant-Governor in Council, from those in actual practice in the said Province.

SEC. 4. The said Board of Examiners shall keep a record in which shall be registered the names, residences, or places of business of all persons authorized under this Act to practice dentistry in this Province. The said board shall elect from its members a President and a Secretary, and shall meet at least once a year, and whenever applications for certificates shall be made. A majority of the members of said board shall constitute a quorum.

SEC. 5. Every person engaged in the practice of dentistry within this Province at the time of the passage of this Act, shall, within three months thereafter, cause his name and residence and place of business to be registered with the said Board of Examiners, upon which said board shall issue to such person a certificate duly signed by a majority of the members of said board, and which shall entitle the person to whom it is issued to all the rights and privileges set forth in this Act.

SEC. 6. To provide for the proper enforcement of this Act, the said Board of Examiners shall be entitled to the following fees, to wit: For each certificate issued to persons

engaged in the practice of dentistry in this Province at the time of the passage of this Act, the sum of ten dollars; for each certificate issued to persons not engaged in the practice of dentistry at the time of the passage of this Act, the sum of twenty-five dollars.

SEC. 7. There shall be allowed and paid to each of the members of the said Board of Examiners such fees for attendance, in no case to exceed ten dollars per day, and such reasonable traveling expenses, as the said board shall allow from time to time. Said expenses shall be paid out of the fees and penalties received by the said board under the provisions of this Act.

SEC. 8. All moneys in excess of necessary expenses shall be held by the Secretary of said board as a special fund for meeting the expenses of said board, he giving such bonds as the board may, from time to time, direct.

SEC. 9. The said board, at its first meeting, and from time to time thereafter, shall make such rules, regulations, and by-laws, not inconsistent with the provisions of this Act, as may be necessary for the proper and better guidance of the said board, which rules, regulations, and by-laws shall first be published for one month in the BRITISH COLUMBIA GAZETTE, and in one or more newspapers circulating in the Province. Any or all of such rules, regulations and by-laws shall be liable to be cancelled and annulled by an order of the Lieutenant-Governor in Council.

SEC. 10. The Secretary of said board shall, on or before the fifteenth day of January, in each and every year, inclose to the Provincial Secretary an annual report of its proceedings, together with an account of all moneys received and disbursed by said Board of Examiners; also a list of the names of all persons to whom certificates have been granted and the qualifications therefor, and such lists shall be published in the GAZETTE.

SEC. 11. If any person, after the period of three months after the passage of this Act, not holding a valid certificate, practices the said profession or calling of dentistry or dental surgery, or willfully and falsely pretends to hold a certificate

under this Act; or takes or uses any name, addition, or description implying that he is duly authorized to practice the profession or calling of dentistry or dental surgery, he shall, upon a summary conviction thereof before any Justice of the Peace, for any and every such offense, pay a penalty not exceeding one hundred dollars, nor less than twenty-five dollars, and the half of any such penalty shall be paid to the Board of Examiners; and it is further provided that no person who is not qualified under the provisions of this Act shall recover in any court of law for any work done or any materials used by him in the ordinary work of a dentist.

SEC. 12. Any British subject being a resident of this Province (not entitled to the privileges and benefits of this Act under section 1), desirous of entering the profession or calling of dentistry, shall be apprenticed to a practitioner, duly qualified under this Act, for a period of three years, and shall file his articles of apprenticeship with the Secretary within one calendar month after the said articles have been executed.

SEC. 13. Any such person having been so apprenticed as aforesaid shall, at the completion of the term of his apprenticeship, and upon the production to the Secretary of satisfactory evidence of his having served his said apprenticeship, and of his good moral character, be entitled to be examined as to his fitness to practice the profession or calling of dentistry before the Board of Examiners appointed under this Act, and shall, upon passing such examination to the satisfaction of the said board, receive a certificate, upon the payment of a fee of ten dollars, which shall entitle him to all the rights and privileges of this Act.

Passed April 6th, 1886.

MANITOBA.

An Act to Incorporate the Manitoba Dental Association.

Whereas, the profession of dentistry is extensively practiced in the Province of Manitoba, and it is expedient for the

protection of the public that a certain standard of qualification should be required by each practitioner of said profession, and that certain privileges and protection should be afforded to such practitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts, as follows:

SECTION 1. The following persons, that is to say: James Lee Benson, Samuel Fowell Buxton Reid, Robert Ardea Harvie, John C. Bowers, H. D. Burritt, George F. Bush, Major C. Clark, Robert R. Dalgleish, Archie Doherty, Edward William Emmons, T. J. Jones, James A. McCausland, Daniel McPhee, A. G. McLean, R. W. Stark, Jule Witham Norton, Robert Hutcheson Robertson, J. B. Vosburgh, J. Johnson White, Nicholas Franklin White, and every other person who holds a valid and unforfeited certificate of license to practice dentistry which has been granted to him by any Board of Directors, duly elected under this Act, shall form the Dental Association of the Province of Manitoba.

SEC. 2. The said Association is hereby incorporated under the name and style of "The Manitoba Dental Association," and the said Association shall be deemed to be a body corporate and politic, and by the same name shall have perpetual succession and a common seal, with power to break, alter, change or make new the same, and by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever, and may have, hold, receive, enjoy, possess and retain for the purposes of said corporation, all such sums of money as may at any time be given or bequeathed to and for the use of the same, and by the said name purchase, take, hold and enjoy any real estate or any estate or interest, derived or arriving out of real estate for the purpose aforesaid, and for no other purpose, and may sell, grant, lease or otherwise dispose of the same, but the real estate so held by the said corporation shall at no time exceed in annual value the sum of five thousand dollars.

Sec. 3. The Board of Directors of said Association shall consist of five members, who shall hold office for three years; any member may at any time resign by letter directed to the Secretary, and, in the event of any such resignation, or a vacancy occurring by death or otherwise, the remaining members of the board shall elect some fit and proper person from among the licentiates, being members of this Association, to supply such vacancy.

Sec. 4. The first Board of Directors shall be composed of the following persons: Jas. L. Benson, Samuel F. B. Reid and Robert A. Harvey, dentists, of the city of Winnipeg; H. D. Burritt, of the town of Emerson; and J. Johnson White, of the town of Portage la Prairie, and their terms of office shall continue for three years from the passing of this Act.

Sec. 5. Every subsequent election of directors shall be held in the city of Winnipeg on the second Tuesday of January in every third year, and one month's notice by circular of such intended election shall be given by the Secretary to each member of the Association.

Sec. 6. The persons qualified to vote at the said election shall be those licentiates who have obtained certificates of license under the provisions of this Act.

Sec. 7. The election of Directors shall be by ballot, and the licentiates receiving the highest number of votes shall be the directors for the then ensuing term.

Sec. 8. The Secretary of the Association shall publish in the Manitoba Gazette the names of those persons who have been elected members of the Board of Directors, such publication to be in two successive issues of said Gazette next after the said election shall be held.

Sec. 9. The Board of Directors shall meet once a year on the second Tuesday in January, in the city of Winnipeg, and such meeting may be continued by adjournment from day to day until the business of the board is finished, but no session shall exceed one week.

Sec. 10. The said board shall have no power to transact any business of the Association, unless a majority of the mem-

bers are present; and, at their first meeting, the said Board of Directors shall elect from among themselves a President, a Secretary-Treasurer and Registrar.

SEC. 11. All moneys forming part of the funds of this Association shall be paid to the Secretary-Treasurer, and shall be applied to carry on the objects of this Act.

SEC. 12. All persons in the Province of Manitoba who are and have been in regular and continuous office practice as dentists for a period of not less than six months preceding the passing of this Act, shall have the right to practice in the Province of Manitoba the profession of dentistry; *provided*, that such others shall have the same right, who hereafter obtain certificates of license under the provisions of this Act.

SEC. 13. Any person who is a member of any college of dentistry of any of the Provinces of the Dominion of Canada, having authority by law to grant certificates of license or diplomas to practice dentistry, or who is a member of any association or school of dentistry having the like powers, and who produces sufficient evidence of such membership and testimonials of good character and conduct, shall, upon payment of the required fees, be admitted as a member of this Association, and be entitled to receive a certificate of license to practice dentistry in this Province, under the provisions of this Act.

SEC. 14. The Board of Directors shall, from time to time, make such rules, regulations and by-laws as may be necessary for the better guidance, government and regulation of the said board, and said profession of dentistry, and the carrying out of this Act.

SEC. 15. The said board shall have power and authority to appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession; such examination shall be passed prior to entering into articles of indenture with a licentiate of dentistry, and the commencement of study shall date from the signing of said articles.

SEC. 16. The said board shall also have the power and

authority to fix and determine from time to time a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articled and employed under some duly licensed practitioner, and the examination necessary to be passed before the board, and the fees to be paid into the hands of the Secretary-Treasurer of said board, before receiving a certificate of license to practice the profession of dentistry.

Sec. 17. The Board of Directors of said corporation shall also have authority to examine candidates and grant certificates of license to practice dental surgery in this Province.

Sec. 18. The said board shall hold one meeting in each and every year, in the city of Winnipeg, at such place as may from time to time be fixed by the board for the purpose of examining students, granting certificates of license, and doing such other business as may properly come before them; such meetings shall be held on the second Tuesday of January of each year, and shall continue from day to day until the business before the board is finished, but no such meetings shall continue for more than one week.

Sec. 19. Every person being desirous of being examined by the said board touching his qualifications for the practice of the said profession of dentistry, shall, at least one month before the sitting of the said board, pay into the hands of the Secretary-Treasurer the required fees, together with satisfactory evidence of his term of apprenticeship having been fulfilled, and as to integrity and good morals; and it shall be the duty of the board to hold a sitting for the purpose hereinbefore mentioned, on the second Tuesday of January, in each year next ensuing the said payment.

Sec. 20. If the board is satisfied by the said examination that the person is duly qualified to practice the profession of dentistry, and is further satisfied that he is a person of integrity and good moral character, it shall grant him a certificate of license, subject to the rules, regulations and by-laws promulgated under the authority of this Act, and the title of Licentiate of Dental Surgery, which certificate and title shall entitle him to all the rights and privileges of this

Act, but no diploma or certificate of license shall be granted to any person under the age of twenty-one years.

Sec. 21. Every certificate of license shall be sealed with the corporate seal of the Association and signed by the President and Secretary-Treasurer and Registrar of said board, and the production of such certificate of license shall be *prima facie* evidence in all courts of law, and in all proceedings of whatever kind of its execution and contents.

Sec. 22. The Secretary-Treasurer of the said board shall, on or before the first day of February in each and every year, enclose to the Provincial Secretary a certified list of the names of all persons to whom certificates of license have been granted during the preceding year.

Sec. 23. Every person whose name is registered in this Act is hereby granted the license to practice dental surgery in the Province of Manitoba, and to receive the title of licentiate of dental surgery and the diploma incident thereto, upon payment of the required fees.

Sec. 24. In case a charge is made against any licentiate of unprofessional conduct or other misconduct, provided for by the by-laws to be passed under the provisions of this Act, the Board of Directors shall have power to hear and determine the same, and for this purpose to summon witnesses before them, and to administer an oath or affirmation to such witnesses; and, if any licentiate shall be found guilty of the charge preferred against him, he shall forfeit his certificate and title, and the same shall be cancelled; such forfeiture, however, may be annulled, and the said license and all rights and privileges thereunder fully renewed and restored by said board in such manner and upon such conditions and terms as the said board shall think fit; *provided*, however, that nothing in this Act contained shall empower the said board to deal with any criminal or other offense provided for by law.

Sec. 25. Any licentiate who shall be convicted of any malpractice shall forfeit his license, and the same shall be cancelled; but the board shall have power to restore the same if it shall think fit and proper, notice of such restoration to

be given for two weeks in some local paper to be determined upon by the board.

SEC. 26. It shall not be lawful for any person not holding a valid certificate of license under this Act to practice the profession of dentistry within the Province of Manitoba for hire, gain or hope of reward, and, if any person, after the passage of this Act, not holding such certificate of license, shall practice, or profess to practice, within this Province, the said profession of dentistry, either publicly or privately for hire, gain or hope of reward, or voluntarily and falsely pretend to be a duly qualified licentiate of dentistry, or assumes any title, addition or description other than he actually possesses and is legally entitled to, or shall use any name, title, addition or description implying or calculated to lead people to infer or believe him to be a duly qualified licentiate of dentistry, he shall be liable, upon conviction in a summary manner before any Justice of the Peace having jurisdiction where the offense is committed, to a penalty not exceeding two hundred dollars and not less than fifty dollars for the first offense, and for each and every subsequent offense to a penalty of four hundred dollars.

SEC. 27. All prosecutions under the provisions hereof may be brought and heard before any Justice of the Peace having jurisdiction where the offense is committed, and such Justice of the Peace shall have power, in addition to the aforesaid penalty, to award payment of costs, and in case such penalty and costs be not paid forthwith after conviction, he shall have power to issue a warrant of distress therefor against the goods and chattels of the party so convicted.

SEC. 28. In any such prosecution and trial, the onus of proof as to being a legally qualified licentiate of dentistry is upon the person charged.

SEC. 29. Any penalties imposed by this Act may be also proceeded for or recovered by suit in any court of law having jurisdiction, and one-half of all penalties recovered shall go to the prosecutor, and the remainder shall be paid to the Secretary-Treasurer of the Association and form part of the funds of the Association. Any person may be complainant

or prosecutor, provided always that every such prosecution shall be commenced within six months of the alleged offense.

SEC. 30. No person shall be entitled to recover in any court of law for any professional services rendered or materials provided by him in the exercise of the profession of a dentist, unless he be a duly and legally qualified licentiate of dentistry under the provisions of this Act.

SEC. 31. Nothing in this Act contained shall interfere with the privileges conferred upon physicians and surgeons by the various Acts relating to the practice of medicine and surgery in this Province; but in case a regular physician or surgeon shall desire to practice dentistry as a profession, and to publicly avow himself as a practitioner of said profession of dentistry, he shall first obtain a license from said Board of Directors by paying the necessary fees and passing an examination in operative and mechanical dentistry only.

SEC. 32. This Act shall be cited as the Manitoba Dental Association Act.

Assented to July 7th, 1883.

NEW BRUNSWICK.*

An Act Relating to the Registration and Qualification of Dental Surgeons.

Be it enacted by the Lieutenant-Governor, Legislative Council, and Assembly, as follows:

SECTION 1. This Act may be cited as "The New Brunswick Dental Act, 1890."

SEC. 2. All persons who are qualified to register under section 23 of this Act, and who do register after the passing of this Act, shall constitute "The New Brunswick Dental Society," hereinafter called the "Society."

SEC. 3. The officers of the Society shall be a President, a Vice-President and a Secretary.

* The copy of the laws furnished by kindness of Dr. Geo. W. Beers, (*of Dominion Journal.*)

Sec. 4. There shall be a Dental Council composed of seven registered dentists, or dental surgeons, three of whom shall be nominated and appointed by the Governor in Council, and four by the Society, of which Council any five shall constitute a quorum for the purpose of carrying out the provisions of this Act.

Sec. 5. The Dental Council shall be styled and named "The Council of Dental Surgeons of New Brunswick," in this Act called "The Council."

Sec. 6. No dentist or dental surgeon shall be appointed a member of the Council, unless he shall have practiced dentistry within the Province for a period of five years, or has obtained a degree from some university or college of dentistry entitling him to be registered under this Act.

Sec. 7. The first four members of the Council appointed by the Society, shall be appointed by nomination and ballot, at the first meeting of the Society hereinafter provided for in section 45 of this Act, and such four members, together with the three members appointed by the Governor in Council, shall meet immediately at the close of such meeting, and organize for the purpose of fully carrying out the provisions of this Act.

Sec. 8. The members of the Council appointed by the Governor in Council shall hold office for a term of four years from the date of their appointment or until voluntary resignation, if such resignation takes place before the expiration of the four years, or until other members are duly appointed in their place and stead; and the members appointed by or on behalf of the Society for three years from the date of the appointment or until voluntary resignation, if such resignation takes place before the expiration of the three years or until other members are duly appointed in their place and stead; *provided*, that it shall be lawful for the Governor in Council, at any time, to remove any member of the Council upon written request of two-thirds of the remaining members of the Council, and due cause shown.

Sec. 9. The Council shall immediately, upon the occurrence of a vacancy therein communicate the fact to the Gov-

ernor in Council or to the Society, according as such vacancy shall have to be filled by the one or the other of those bodies, and shall also notify either of such bodies of any other business requiring the attention of the same under this Act.

Sec. 10. Every vacancy in the Council, whether caused by death, resignation, removal from office, or otherwise, shall be filled up by the body or authority which shall have nominated and appointed the person causing such vacancy with as little delay as possible, so that, as far as practicable, the Council shall always consist of seven members, three appointed by the Governor in Council, four by the Society. In case of neglect or refusal of the Society to fill up a vacancy which they are empowered and directed by this section to supply, within three months after such vacancy shall have been caused, the remaining members of the Council shall nominate and appoint a properly qualified person to fill such vacancy. In case of a similar neglect or refusal on the part of the Governor in Council, the Council shall exercise the like power.

Sec. 11. The Council shall hold a meeting, called the annual meeting, every year at such place as a majority of the Council may decide, to transact all necessary business, and such meeting may be continued by adjournment from day to day until the business before the Council is finished. The Council shall also have power, and it shall be their duty, to hold such other meetings as may be necessary in addition to the annual meeting.

Sec. 12. The books and accounts of the Council shall at all times be open to the examination of such persons as the Governor in Council or the Society shall appoint to inspect the same, and also of all the members of the Council, and the accounts shall be annually published or filed in the office of the Provincial Secretary.

Sec. 13. The Council shall have power, and it shall be their duty: First, to elect a Secretary from among the members of the Society to act as Secretary of the Council, who shall, among other things, attend the meetings of the Council, and keep a record of the proceedings of the same in a book,

or books, to be provided by him for that purpose. Secondly, to elect a President, Treasurer and such other officers as may be necessary. Thirdly, to cause every member of the profession practicing in New Brunswick to register his name, place of residence, the date of his diploma, if he has one, and the place where he obtained it, in the dental register hereinafter provided for. Fourthly, to make all such orders, rules, regulations and by-laws for carrying this Act into effect as to the Council shall seem proper or necessary, which orders, rules, regulations and by-laws shall not be inconsistent with this Act, and may be disallowed by the Governor in Council.

Sec. 14. The rules and regulations, if any, as to the times and places of the meetings of the Council, and the mode of summoning the same by the Council, shall remain in force until altered by any subsequent meeting. In the absence of any rule or regulation as to the summoning of meetings of the Council, it shall be lawful for the President thereof to summon, at such time and place as to him shall seem fit, by circular letter mailed to the address of each member so far as known to him; he shall in like manner summon a meeting of the Council upon the requisition of a majority of the members thereof; *provided always*, that at least ten days' notice of such meeting shall be given; in the event of the absence of the President from any meeting, some other member, to be chosen from among the members present, shall act as President. All acts of the Council shall be decided by a majority of the members present. At all meetings, the President shall vote only in case of a tie.

Sec. 15. All moneys forming part of the funds of the Council shall be paid to the Treasurer, and shall be applied to carrying this Act into execution.

Sec. 16. Each applicant for registration shall, if required by the Council, pay before registration to the Registrar of the Council, or any person deputed by said Registrar to receive it, such fee as may be determined on by by-law of the Council, not less than one dollar, nor more than five dollars, which fee shall thereupon be paid by said Registrar to the

Treasurer, and payment of such fee shall be a condition precedent to registration.

SEC. 17. Each registered dentist or dental surgeon shall, if required by the Council, pay to the Treasurer, or any person deputed by the Treasurer to receive it, such annual fee as may be determined by by-law of the Council, not less than one dollar, nor more than three dollars.

SEC. 18. If any registered dentist or dental surgeon do not pay the annual fee required by the Council under section 17, prior to the first day of January in each year, he shall thereupon cease to be deemed registered; and, if any such fee remains due from any dentist or dental surgeon on the first day of January in any year, the name of such person shall not be printed or published in the ROYAL GAZETTE in such year, as provided in section 22, but any such practitioner, upon the payment of all arrears of such fees, shall thereupon be registered and be deemed registered from the time of such payment.

SEC. 19. The Secretary of the Council shall also be the Registrar of the Council, herein called "The Registrar," and shall be paid such salary as the Council may determine.

SEC. 20. The Registrar shall make and keep a correct register in the form set forth in Schedule A to this Act, of the names in alphabetical order, according to the surnames of the persons registered under the provisions of this Act, with the other particulars required by said schedule, which register shall be called the "Dental Register," herein called the "Register."

SEC. 21. It shall be the duty of the Registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the Council, and to erase the names of all registered persons who shall have died, left the Province without any intention of returning, or ceased to practice for a period of five years; and he shall, from time to time, make the necessary alterations in the addresses or qualifications of the persons registered under this Act; *provided always*, that the name of any person

erased from the register shall be restored by order of the Council upon sufficient cause duly shown.

Sec. 22. The Registrar shall, before the first day of May in every year, cause to be printed and published in the Royal Gazette of this Province, and in such other manner, if any, as the Council shall appoint, a correct copy of the register as existing on the first day of January next preceding such publication, and any printed copy of the register purporting to be so printed and published as aforesaid, or a certified copy, under the hand of the Registrar of the entry of the name of any person on the register, shall be *prima facie* evidence that the person or persons mentioned in such printed copy or certificate, are registered under the provisions of this Act at the date mentioned in such printed copy or certificate, and such certificate shall be admitted in evidence, without proof of the signature of the Registrar.

Sec. 23. No person shall be entitled to be registered under this Act, unless he shall satisfy the Registrar by proper evidence:

1. That he has fulfilled all the requirements for graduation in any one of the colleges or dental schools in the United States of America recognized by the National Association of Dental Faculties, or in any other college or dental school recognized by the Council; or,

2. That he was practicing dentistry in this Province before the first day of January, A. D. 1889, and has since that time continued regularly to practice as a dentist or dental surgeon therein; *provided, however*, that temporary absence from practice in the Province while attending a dental college or school since that date, shall not prevent his being registered hereunder; *provided*, that, if any applicant for registration or any registered dentist or dental surgeon is dissatisfied with the decision of the Registrar, the question shall be referred to the Council for its decision, and any person objecting to the decision of the Council may appeal to the Governor in Council. The Governor in Council is hereby empowered to affirm, alter in any way, or reverse the

decision of the Council, and the Council shall forthwith give effect to such decision on appeal.

Sec. 24. Every person registered under this Act, who may have obtained any higher degree or qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, on the payment of such fee as the Council may demand.

Sec. 25. No qualification shall be entered upon the register either upon the first registration or by way of an addition to a registered name, unless the Registrar shall be satisfied, by the proper evidence, that the person claiming is entitled to it, and appeal may be made as in section 23.

Sec. 26. If in any case it shall be proven to the satisfaction of the Council, on appeal by registered dentist or dental surgeon, that any entry in the register was fraudulently or incorrectly made, the Council may order the entry to be erased or amended, as the case may be, and, if it shall be proven to their satisfaction that any person has fraudulently registered, or attempted to register, the name of such person may, at the discretion of the Council, be published in the Royal Gazette.

Sec. 27. Any registered dentist or dental surgeon who shall have been convicted of any felony in any court, or shall, after due inquiry, be judged by the Council to have been guilty of infamous conduct in any professional respect, shall thereby, subject to an appeal to the Governor in Council, forfeit his right to registration, and, by direction of the Council, his name shall be erased from the register.

Sec. 28. Subject to the exceptions hereinafter named, no person not registered under this Act shall practice dentistry or dental surgery in this Province, or be entitled to any of the rights or privileges conferred by this Act.

Sec. 29. Every person who shall be registered under this Act shall be entitled to practice dentistry or dental surgery in this Province, and to demand and recover, in any court of law of competent jurisdiction, reasonable and customary

charges for professional services, and the cost of any medicine supplied by him as dentist or dental surgeon to his patients.

Sec. 30. No person shall be entitled to recover any charges in any court of law for services as dentist or dental surgeon, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial, that, at the time the services were performed or the medicine prescribed and supplied, he was registered under this Act.

Sec. 31. The words, "legally qualified dental practitioner," or, "duly qualified dental practitioner," or any other words importing a person recognized by law as a dentist or dental surgeon, or member of the dental profession, when used in any Act of the Legislature, or legal or public document, shall be construed to mean a person registered under this Act.

Sec. 32. No person shall be appointed as dental officer or dental surgeon in any branch of public service, or in any hospital or other charitable institution, unless he be registered under this Act.

Sec. 33. No certificate required by any Act now in force or that may hereafter be passed, from any dentist or dental surgeon, shall be valid, unless the person signing the same shall be registered under this Act.

Sec. 34. If any person not registered under this Act practices dentistry or dental surgery in any form for hire, gain or hope of reward, he shall thereby forfeit a sum of twenty dollars for each day upon which he so practices.

Sec. 35. Any person who attempts to evade the law by causing his services as a dentist or dental surgeon to be indirectly paid for in any manner, whether by the sale of drugs or medicines or otherwise, shall forfeit the sum of twenty dollars for each offense.

Sec. 36. If the Registrar make or cause to be made any willful falsification in any matter relating to the register, he shall forfeit the sum of one hundred dollars.

Sec. 37. If any person shall willfully procure or attempt to procure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or

fraudulent declaration or representation, either verbally or in writing, every such person so doing, and every person knowingly aiding or assisting him therein, shall forfeit the sum of one hundred dollars.

SEC. 38. Any person who shall willfully and falsely pretend to be registered under this Act, or take or use any name, title, addition or description implying that he is so registered, shall forfeit the sum of one hundred dollars.

SEC. 39. Any sum forfeited under any section of this Act shall be recoverable, with costs, and may be sued for and recovered in the same manner as a private debt, in the name of "The New Brunswick Dental Society," at the instance of the President or Secretary thereof, and, being recovered, shall belong to the Council; *provided*, that where the information leading to such recovery shall have been given by any person not registered under this Act, such person shall be entitled to receive one-half of the sum so recovered.

SEC. 40. Upon the trial of such cause, the burden of proof as to the right of the defendant to practice dentistry or dental surgery shall be upon the defendant.

SEC. 41. No suit shall be commenced under this Act after one year from the date of the offense or cause of action.

SEC. 42. Nothing in this Act shall prevent any person from giving necessary aid as dentist or dental surgeon to any one in urgent need of it, provided that such aid is not given for hire, gain or hope of reward, nor the giving of it made a business, or way of gaining a livelihood either directly or indirectly by such person.

SEC. 43. This Act shall not apply to or be construed to extend to any duly qualified medical practitioner extracting teeth, nor any paid assistant not registered under this Act employed by any registered dentist or dental surgeon in his office; but this section shall not be construed to permit any such assistant to act as dentist or dental surgeon outside of the office of his employer.

SEC. 44. For the purpose of organization of this Society, all persons who at the passing of this Act are entitled to and claim the right to register hereunder, shall file a memoran-

dum of their names and places of residence and practice, with their post-office address and qualification, in the office of the Provincial Secretary, at Fredericton, on or before the first day of August, A. D. 1890, and the Governor in Council shall, on or before said day, appoint from the persons who shall have filed such memorandum three Scrutineers, who shall meet in the city of Fredericton, on the second Tuesday in said month of August, at two o'clock in the afternoon, there to receive, examine and decide as to the sufficiency of the certificates, or other evidences of qualification, of those claiming to be entitled to take part in the organization of the Society, who have filed the memorandum aforesaid. Only those persons decided by said Scrutineers, or a majority of them, to be qualified for registry under section 23, shall be so entitled.

SEC. 45. The first annual meeting of the Society shall be held on the second Tuesday in August, A. D. 1890, at three o'clock in the afternoon, in the city of Fredericton, at a place to be appointed by said Scrutineers, at which time and place those persons decided by the Scrutineers under the next preceding section to be entitled to take part in the organization of the Society, shall meet and organize by electing from among their number a President, a Vice-President and a Secretary; they shall have power, and it shall be their duty, to adopt by-laws not inconsistent with this Act, and a code of dental ethics for the guidance of the members of the Society, and to transact such other business as may be necessary under this Act, or under the by-laws by them adopted.

Passed April 23d, 1890.

NOVA SCOTIA.*

Assented to this 19th day of May, 1891. M. B. Daly, Lieutenant-Governor.

PREAMBLE.

Whereas, by petition it has been represented that the profession of dentistry is extensively practiced in the Pro-

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* The copy of the laws furnished by kindness of Dr. Geo. W. Beers, (*of Dominion Journal.*)

vince of Novia Scotia, and that it is expedient for the protection of the public that there should, by enactment, be established a certain standard of qualification required of each practitioner of the said profession, and that certain privileges and protection should be afforded to such practitioners;

Be it therefore enacted by the Governor, Council and Assembly, as follows:

I. INCORPORATED NAME.

SECTION 1. The persons named in section II of this Act shall be incorporated and known as "The Dental Association of the Province of Novia Scotia."

SEC. 2. Until such other persons be elected as hereinafter provided,

Alfred Chipman Cogswell, William Clark Delaney, Hibbert Woodbury, Frank Woodbury, James Albert Merrill, Arthur Wellesley Cogswell, Robert William McDonald, Raymond Hays Mulloney, Charles Henry Fluck, Clarence Ulysses Smith, Cyrus Kingsbury Fisk, of Halifax;

C. S. Marshall, of Liverpool;

George Hyde, M. K. Langille, of Truro;

A. J. McKenna, John Edward Mulloney, of Kentville;

J. R. Fritz, of Digby;

Charles E. Wolff, of New Glascow;

Frederick William Stevens, of Dartmouth;

W. A. Payzant, of Wolfville;

A. C. Harding, of Yarmouth;

James Primrose, of Annapolis;

E. L. Fuller, of Amherst;

Charles Wilson Muir, of Shelburne;

S. W. Eaton, of Canning;

F. H. Parker, of Harborville;

Henry Fraser, of Pictou;

George A. Polly, of Lunenburg;

Frederick Primrose, of Bridgeton;

Horace E. Eaton, of Parrsboro;

M. P. Harrington, of Liverpool; shall be Trustees, six of whom shall form a quorum.

They shall have power to appoint three of their members, who, with four others, to be appointed by the Governor in Council, shall form a Board which shall be known as the "Provincial Dental Board of Novia Scotia."

Sec. 3. The board shall have power and authority to take, receive, hold and enjoy real and personal property donated, given, granted, devised, bequeathed or otherwise bestowed upon or conveyed to them, and shall hold the same in each case in trust for such purpose as may be mentioned by the donor, and, if no such purpose is so mentioned, then the board may mortgage, lease or otherwise dispose of any such property for the furtherance of the "Dental Association of the Province of Novia Scotia."

And that the Association shall have a common seal, with power to change, amend, cancel or renew the same.

II. THE PROVINCIAL DENTAL BOARD.

Sec. 4. The Provincial Dental Board shall consist of seven members, as hereinbefore stated, who shall hold office for two years, four of which shall form a quorum. Any member may resign by letter directed to the Secretary, and, in the event of a vacancy occurring by death or otherwise of an appointee of the association or board, the remaining members of the board shall elect some fit and proper person from the licentiates to supply the vacancy, and, in the event of a vacancy by death or otherwise of an appointee of the Governor in Council, the Governor in Council shall appoint a proper person from among the licentiates to fill the vacancy.

The Provincial Dental Board shall have power and it shall be their duty:

1. To elect a President and such other officers, including the Secretary and Registrar, as may be necessary to the working of this chapter.

2. To regulate the study of dentistry, operative and prosthetic, by making rules not inconsistent with this chapter, with regard to the preliminary qualification, course of study to be followed, the final examination and the nature

of the evidence to be produced before the board upon those subjects.

3. To appoint fit and proper persons to conduct the preliminary or matriculation examination, and to fix the remuneration, if any, to be paid to such examiners.

4. To examine all degrees, diplomas, licenses and other credentials presented or given in evidence under this chapter, for the purpose of enabling the owner of such credentials to attest on oath or by affidavit that he is the person whose name is mentioned therein, and that he became possessed thereof honestly.

5. To cause every member of the profession practicing in Novia Scotia to register his name, age, place of residence, place of nativity, the date of his license or diploma, and the place where he obtained it with the Registrar of the Board.

6. To make orders and regulations for regulating the registers to be kept under this chapter.

7. To make all such rules, regulations and by-laws for carrying this chapter into effect, as to the board shall seem proper or necessary, which rules, regulations and by-laws shall not be inconsistent with this chapter.

8. To appoint as many examiners to hold final examinations when necessary, as the board shall deem proper, such examiners to be regularly qualified dental practitioners of not less than three years' professional standing, and three years' residence in this Province.

Sec. 6. The Provincial Dental Board, or a majority of members composing the same, shall appoint from time to time a regularly qualified dental practitioner, resident in Halifax, to act as Secretary of the board, who shall attend the meetings of the board and keep a record of the proceedings of the same in a book, or books, to be provided for that purpose, together with all such matters and things as to the board shall appertain.

Sec. 7. The Secretary shall also be the Registrar of the Provincial Dental Board, and shall be paid such salary out of the moneys to be received as hereinafter provided, as the

board shall, with the approval of the Provincial Dental Association, determine.

SEC. 8. The Registrar of the board shall, before the first day of September in every year, cause to be printed and published in the ROYAL GAZETTE of the Province, and in such other manner as the board shall appoint, a correct register of the names in alphabetical order, according to the surnames, with their respective residences (in the form set forth in Schedule "A" of this chapter, or to the like effect), and dental titles, diplomas and qualifications conferred by any college or body, with the dates thereof of all persons appearing on the register as existing on the first day of August in such year, and such register shall be called "The Dental Register," and a copy of such register for the time being, purporting to be so printed and published, as aforesaid, shall be *prima facie* evidence in all courts, and before all Justices of the Peace and others, that the persons therein specified are registered according to the provisions of this chapter, and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this chapter; *provided always*, that, in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the Registrar of the board, of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this chapter.

SEC. 9. The books and accounts of the board shall at all times be open to the examination of any practitioner, duly qualified under this chapter.

SEC. 10. The rules and regulations, if any, as to the times and places of the meetings of the board and the mode of summoning the same already made by the board, shall remain in force until altered at any subsequent meeting. In the absence of any rule or regulation as to the summoning of future meetings of the board, it shall be lawful for the President thereof to summon the same at such time and place as to him shall seem fit, by circular letter to be mailed to each member; *provided always*, that at least ten days' notice of such meet-

ing shall be given. In the event of the absence of the President from any meeting, some other member, to be chosen from among the members present, shall act as President.

Sec. 11. Hereafter no person shall begin or enter upon the study of dentistry in any or all of its several branches, for the purpose of qualifying himself to practice the same in this Province, unless he shall have obtained from the Provincial Dental Board a certificate that he has satisfactorily passed a matriculation or preliminary examination in the subjects specified in Schedule "B" to this chapter.

Sec. 12. No candidate shall be admitted to such matriculation or preliminary examination, unless he shall have, at least fourteen days previous to such examination, given notice to the Registrar of the board of his intention to present himself for such examination, and transmitted to the Registrar a certificate showing that he has completed his *sixteenth* year, and shall, before the examination, have paid a fee of ten (10) dollars to the Registrar.

Sec. 13. Subject to the exceptions hereinafter made, no person shall practice dentistry in all or any of its several branches in Nova Scotia, unless his name shall be registered in the book of registry of the Provincial Dental Board, and unless he shall have received from such board a license to practice.

Sec. 14. No person shall be entitled to have his name entered in the register of the Provincial Dental Board, or to receive a license to practice from such Board, unless he shall satisfy the board that he has passed the matriculation or preliminary examination; and after passing such examination he has followed his studies during a period of not less than three years (12 months of which may be under the direction of one or more regularly qualified dental practitioners); that during such three years he has attended at some university, college or incorporated school of dentistry in good standing, courses of lectures, amounting together to not less than twelve months, on general and practical anatomy, physiology, chemistry, operative dentistry, mechanical dentistry on dental therapeutics; and that he has attended the clinics, both in

operative and mechanical dentistry in some university or dental college recognized by the board, for a period of not less than two years; that he has, after examination in the subjects of the course, obtained a degree or diploma from such university, college, or incorporated school of dentistry, or, for want of such degree or diploma, that he has satisfactorily passed an examination in the various branches hereinbefore specified, before examiners to be appointed by the Provincial Dental Board; that he is not less than twenty-one years of age, and that he has paid to the Registrar of the board a fee of twenty (20) dollars; *provided*, that the Provincial Dental Board shall have power, with the approval of the Dental Association, to make such alterations in the foregoing curriculum as may from time to time be required, subject to the approval of the Governor in Council.

SEC. 15. The last preceding section shall not apply to any person in actual practice in the Province of Nova Scotia, previous to the passing of this Act, but such person shall be entitled to be registered and to receive a license to practice under this chapter by payment of five (5) dollars; and, notwithstanding the provisions of such section, any person, upon producing to the Provincial Dental Board conclusive evidence that he has passed a matriculation or preliminary examination, such as is required by this chapter for persons beginning their dental studies in Nova Scotia; that he has, before graduating or taking a diploma, studied for at least *three* years in the manner provided in section 14 of this chapter, or pursued what the board shall deem an equivalent course of study, and has passed a final examination in the subjects of such course, or, for want of any such requisitions, any one who may have commenced their studies before the passage of this Act, and shall have fulfilled such conditions as the board may determine; and shall pay a fee of twenty (20) dollars, shall be entitled to be registered and to receive a license to practice.

SEC. 16. Notwithstanding anything to the contrary in this chapter contained, any person who shall have commenced his dental studies before the passage of this Act, although he may not have passed a preliminary or matriculation examina-

tion required by this Act, but has otherwise complied with the requisites of this chapter, shall be entitled to an examination by the board.

SEC. 17. All acts of the board shall be decided by a majority of the members present. At all meetings the President for the time being shall have a casting vote only.

SEC. 18. All moneys forming part of the funds of the board shall be paid to the Treasurer, and shall be applied to carrying this chapter into execution.

SEC. 19. It shall be the duty of the Registrar to keep his register correct in accordance with the provisions of this chapter, and the rules, orders and regulations of the Provincial Dental Board, and to erase the name of all registered persons who shall have died, left the Province without any intention of returning, or cease to practice for a period of five years; and he shall, from time to time, make the necessary alterations in the address or qualifications of the persons registered under this chapter; *provided always*, that the name of any person erased from the register shall be restored by order of the board, upon sufficient cause duly shown to that effect.

SEC. 20. Any person residing in the Province, entitled to practice at the passage of this Act, must be registered under this chapter within sixty days after the passage of this Act, and any one who shall neglect or omit to be so registered shall not be entitled to any of the rights or privileges conferred by the provisions of this chapter so long as such neglect or omission shall continue.

SEC. 21. No qualification shall be entered on the register, either on the first registration or by way of addition to a registered name, unless the Registrar shall be satisfied, by the proper evidence, that the person is entitled to it; and any appeal from the decision of the Registrar may be decided by the board; and any entry which shall be proven to the satisfaction of the board to have been fraudulently or incorrectly made, may be erased from the register by order, in writing, of the board.

SEC. 22. Any dental practitioner who shall, after due inquiry, be judged by the board to have been guilty of infamous

conduct in any professional respect, shall thereby forfeit his right to registration; and his name shall, if registered by the direction of the Provincial Dental Board, be erased from the register.

Sec. 23. Every person registered under this chapter, who may have obtained any degree or qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such degree or additional qualification inserted in the register, in substitution for or in addition to the qualification previously registered, on the payment of such fee as the board may appoint.

Sec. 24. Any person who shall be registered under the provisions of this chapter, shall be entitled to practice dentistry or dental surgery, or any of them, as the case may be, in Nova Scotia, and to demand and recover in any court of law reasonable charges for professional aid and advice, and the cost of any medicinal, dental or surgical appliances rendered or supplied by him to his patients.

Sec. 25. No person shall be entitled to recover any charge in any court of law for any professional advice or attendance, or for the performance of any operation appertaining to the practice of dentistry or dental surgery, or for any surgical or dental appliances which he shall have supplied, unless he shall prove, upon trial, that he is registered under this chapter; *provided always*, that this clause is not intended to interfere with the practice of regularly qualified medical practitioners, or to interfere with the legitimate business of qualified druggists or chemists.

Sec. 26. The words, "legally qualified dental practitioner," or, "duly qualified dental practitioner," or any other words importing a person recognized by law as a dental practitioner or member of the dental profession, when used in any Act of the Legislature, or legal or public document, shall be construed to mean a person registered under this chapter.

Sec. 27. If any person not registered or licensed under the provisions of this chapter practices dentistry or dental surgery for hire, gain, or hope of reward; or willfully or

falsely pretends to be a practitioner of dentistry or dental surgery; or takes or uses any name, title, addition or description, implying, or calculated to lead people to infer that he is registered under this chapter; or professes, by public advertisement, card, circular, sign, or otherwise, to practice dentistry or dental surgery; or to give advice therein, or in any wise to lead people to infer that he is qualified to practice dentistry or dental surgery in this Province, he shall forfeit and pay the sum of twenty (20) dollars for each day that he so practices, or leads people to infer that he is practicing.

SEC. 28. Any sum forfeited under the next preceding section shall be recoverable, with costs, and may be sued for and recovered in the same manner as a private debt, by the Provincial Dental Board, or any registered dental practitioner, in any of the courts of the Province having jurisdiction in actions of assumpsit to the extent of eighty (80) dollars and upwards; and, being recovered, shall belong to the board, for the use thereof under this chapter; *provided*, that when the information leading to such recovery shall have been given by any person unconnected with the dental profession, such person shall be entitled to receive one-half the sum recovered.

SEC. 29. Upon the trial of such cause, the burden of proof as to the license or right of the defendant to practice dentistry or dental surgery in Nova Scotia, shall be upon the defendant.

SEC. 30. If the Registrar makes or causes to be made, any willful falsification in any matters relating to the register, he shall forfeit a sum of not less than one hundred (100) dollars, to be recovered as hereinbefore provided as to persons practicing illegally.

SEC. 31. If any person shall willfully procure or attempt to procure himself to be registered under this chapter by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, any such person so doing, and any person knowingly aiding and assisting him therein, shall forfeit and

pay a sum of not less than one hundred (100) dollars, to be recovered as a private debt as hereinbefore provided.

SEC. 32. No suit shall be commenced under this chapter after one year from the date of the offense or cause of action.

SEC. 33. Nothing in this chapter shall prevent any person from giving necessary aid to any one in urgent need of it; *provided*, that such aid or attendance is not given for hire or gain, nor the giving of it made a business or way of gaining a livelihood by such person.

SEC. 34. The Provincial Dental Board shall hold a meeting every year, at which annual meeting they shall have power to appoint examiners, fix time of examinations, and transact all business arising out of this chapter, and any such meeting may be continued by adjournment from day to day until the business before the board be finished; but no such meeting shall be so continued by adjournment beyond the Saturday of the week in which the sitting commences. The board shall also have power, and it shall be their duty, to hold such other meetings as may be necessary, at which meetings they shall have the powers and duties herein conferred and imposed upon the board at the annual meeting.

SEC. 35. The privileges and exemptions conferred upon physicians and surgeons by the laws of this Province are hereby granted to licensed dentists.

This Act to come in force on the day of its sanction.

SCHEDULE "A."

Name.	Age.	Residence.	Qualification.
A. B.	22	Halifax.	D.D.S., Univ. of Penn.
C. D.	30	Windsor, Hants Co.	D.M.D., Harv'd Univ.

SCHEDULE "B."

Standard of matriculation or preliminary examination established under this chapter:

Compulsory.—English language, including grammar, composition and writing, and decimal fractions and the extraction of the square root. Algebra, to the end of simple equations. Geometry, first three books of Euclid.

Latin, one book translation and grammar. Elementary mechanics of solids and fluids.

And one of the following *optional* subjects: History of England, with questions in modern geography, French translation, one Greek book, History of Nova Scotia, History of the Dominion of Canada.

ONTARIO.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts, as follows:

SECTION 1.—"The Royal College of Dental Surgeons of Ontario," incorporated under the Act passed in the thirty-first year of her Majesty's reign, and chaptered thirty-seven, is continued, and every person who holds a valid and unforfeited certificate of license to practice dentistry, which has been granted to him by any Board of Directors, duly elected under the said Act, or this Act, shall be a member of the said corporation. (40 V., c. 23, s. 1.)

SEC. 2. The Board of Directors of said college shall consist of seven members, who shall hold office for two years, and of whom any four shall form a quorum.

2. Any member may at any time resign by letter directed to the Secretary, and in the event of such resignation, or a vacancy occurring by death or otherwise, the remaining members of the board shall elect some fit and proper person from among the licentiates to supply such vacancy. (31 V., c. 37, s. 3; 35 V., c. 34, s. 1.)

SEC. 3. Elections of the Board of Directors shall be held on the third Tuesday in July, in the city of Toronto, in every second year; and the persons qualified to vote at any such election shall be such persons as have obtained certificates of license under the provisions of the Acts respecting dentistry heretofore in force, or who hereafter obtain certificates of license under the provisions of this Act. (35 V., c. 34, s. 3.)

SEC. 4. Every board shall hold its first meeting on the day following the election of such board, at noon, at such

place in the city of Toronto as may, from time to time, be fixed by the board. (35 V., c. 34, s. 2.)

SEC. 5. The said board shall, at its first meeting, elect from among its members a President, Treasurer, Secretary, and Registrar, and such other officers as may be necessary to the working of this Act and the rules and regulations of said board; and the said board shall, from time to time, in the event of the President being absent, from any cause whatever, elect from among its members, a person to preside at its meetings, who shall have the same powers and exercise the same functions as the President. (31 V., c. 37, s. 7.)

SEC. 6. There shall be allowed and paid to each of the members of the board such fees for attendance (in no case to exceed five dollars per day) and such reasonable traveling expenses as may, from time to time, be allowed by the board. (31 V., c. 37, s. 8.)

SEC. 7. All moneys forming part of the fund of said board shall be paid to the Treasurer, and shall be applied to the carrying of this Act into execution. (31 V., c. 37, s. 9.)

SEC. 8. The said board shall have power and authority to make arrangements for the establishment of a School of Dentistry in the city of Toronto. (35 V., c. 34, s. 10.)

SEC. 9. The said board shall have power and authority to appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession. Such examination shall be passed prior to entering into articles of indenture with a licentiate of dentistry, and the commencement of study shall date from the signing of said articles. (35 V., c 34, s. 4.)

SEC. 10. The said board shall also have power and authority to fix and determine, from time to time, a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articled, and employed under some duly licensed practitioner, and the examination necessary to be passed before said board, and the fees to be paid into the hands of the Treasurer of said board, before receiving a certificate of license to practice the profession of dentistry. (35 V., c. 34, s. 4.)

SEC. 11. The Board of Directors of said college shall also have authority to examine candidates and grant certificates of license to practice dental surgery in this Province. (31 V., c. 37, ss. 1. and 2.)

SEC. 12. With the view to encourage the attainment of a higher standard of education among licentiates of the said college, the board may by by-law provide that any licentiate of dentistry, being a member of said college of not less than five years' standing, shall receive the title of "Master of Dental Surgery" of said college, upon passing such examinations and complying with such regulations as the said Board of Directors may, from time to time, prescribe. (40 V., c. 23, s. 10.)

SEC. 13. The said board shall, from time to time, make such rules and regulations and by-laws as may be necessary for the proper and better guidance, government and regulation of the said board, and said profession of dentistry, and the carrying out of this Act; which said rules, regulations and by-laws shall be published for two consecutive weeks in the ONTARIO GAZETTE.

2. Any or all of such rules, regulations and by-laws shall be liable to be cancelled and annulled by order of the Lieutenant-Governor of this Province. (31 V., c. 37, s. 13; 35 V., c. 34, s. 7.)

SEC. 14. All persons being British subjects, by birth or naturalization, who were engaged on the fourth day of March, one thousand eight hundred and sixty-eight, in the practice of the profession of dentistry, or who, not having been residents of Ontario, have had three years' experience in the practice of dentistry, shall be entitled to a certificate of "Licentiate of Dental Surgery," upon their furnishing to the said board satisfactory proof of their having been so engaged, and upon passing the required examination, and upon payment of the fees authorized and fixed by the said board (for the payment of which the Treasurer's receipt shall be sufficient evidence), and all persons being British subjects, by birth or naturalization, who were constantly engaged for five years and upwards in established office practice, next preceding the

said fourth day of March, one thousand eight hundred and sixty-eight, in the practice of the profession of dentistry in the Province of Ontario, shall, upon such proof as aforesaid, and upon the payment of such fees as aforesaid, be entitled to such certificate without passing any examination. (31 V., c. 37, s. 12; 35 V., c. 34, s. 6.)

Sec. 15. The said board shall hold one meeting in each and ever year in the city of Toronto, at such place as may, from time to time, be fixed by the board, for the purpose of examining students, granting certificates of license, and doing such other business as may properly come before them. Such meeting shall be held on the first Tuesday in March, and shall continue from day to day until the business before the board is finished; but no such meeting shall continue for more than one week. (35 V., c. 34, s. 5.)

Sec. 16. Every person desirous of being examined by the said board touching his qualifications for the practice of the profession of dentistry, shall, at least one month before the sitting of said board, pay into the hands of the Treasurer the required fees, and enclose and deliver to the Secretary the Treasurer's receipt for the same, together with satisfactory evidence of his apprenticeship, integrity, and good morals; and it shall be the duty of the board to hold a sitting for the purpose hereinbefore mentioned on the first Tuesday in March next ensuing the said payment and delivery. (31 V., c. 37, s. 14; 35 V., c. 34, s. 8.)

Sec. 17. If the board is satisfied by the examination that the person is duly qualified to practice the profession of dentistry, and is further satisfied that he is a person of integrity and good moral character, it shall grant him a certificate of license subject to such rules, regulations and by-laws; and the title of "Licentiate of Dental Surgery," which certificate and title shall entitle him to all the rights and privileges of this Act. (31 V., c. 37, s. 15; 35 V., c. 34, s. 9.)

Sec. 18. Every certificate of license shall be sealed with the corporate seal of the college and signed by the President and Secretary of said board; and the production of such certificate of license shall be *prima facie* evidence, in all

courts of law and upon all proceedings of whatever kind, of its execution and contents. (31 V., c. 37, s. 16.)

Sec. 19. The Secretary of the said board shall, on or before the fifteenth day of January, in each and every year, enclose to the Provincial Secretary a certified list of the names of all persons to whom certificates of license have been granted during the next preceding year. (31 V., c. 37, s. 17.)

Sec. 20. No person who is not a member of the said The Royal College of Dental Surgeons of Ontario, shall practice the profession of dentistry for hire, gain, or hope of reward, or pretend to hold, or take, or use any name, title, addition, or description implying that he holds a certificate of license to practice dentistry, or that he is a member of the said The Royal College of Dental Surgeons of Ontario, or shall falsely represent, or use any title representing, that he is a graduate of any dental college.

2. Every person who contravenes any of the provisions of this section, shall, for each such offense, incur a penalty of twenty dollars. (40 V., c. 23, s. 2.)

Sec. 21. Every penalty imposed by this Act may be recovered, with full cost of prosecution, on summary conviction before any one or more of Her Majesty's Justices of the Peace for the county in which the offense is committed. (40 V., c. 23, s. 3.)

Sec. 22. Except where it is herein otherwise provided, the procedure upon any such prosecution shall be that prescribed by *The Act Respecting Summary Convictions before Justices of the Peace.* (40 V., c. 23, s. 4.)

Sec. 23. The penalty and costs imposed upon any such convictions shall be forthwith paid over to the convicting Justice, and the penalty shall be by him paid over to the Secretary of the said The Royal College of Dental Surgeons of Ontario; and in case the said penalty and costs are not paid forthwith, the said Justice may issue his warrant to commit the defendant to the common gaol of the county, there to be imprisoned for any term not exceeding one month, unless the penalty and costs are sooner paid. (40 V., c. 23, s. 5.)

Sec. 24. The penalty imposed by the twentieth section

of this Act may be recovered with full costs of suit in the name of The Royal College of Dental Surgeons of Ontario, in the proper Division Court. (40 V., c. 23, s. 6.)

Sec. 25. On any prosecution or suit under this Act, the burden of proof that the defendant is entitled to practice the profession of dentistry as aforesaid, or to use the title assumed by him, or that he is a graduate of the dental college of which he professes to be a graduate (as the case may be), shall be upon the defendant. (40 V., c. 23, s. 7.)

Sec. 26. No person who contravenes any of the provisions of the twentieth section of this Act, shall be entitled to sue or recover in any Court of Law or Equity for any work done or materials provided by him, in the ordinary and customary work of a dentist. (40 V., c. 23, s. 8.)

Sec. 27. Nothing in this Act shall affect or interfere with the rights and privileges conferred upon legally-qualified medical practitioners by the Acts relating to the practice of medicine and surgery in this Province. (31 V., c. 37, s. 19; 40 V., c. 23, s. 2. *See Rev. Stat.:* c. 142, s. 55.)

ONTARIO.

The dental profession of the Province of Ontario was incorporated by Act of the Legislature in the year 1875, under the corporate title of The Royal College of Dental Surgeons of Ontario. By the provisions of the Act, the whole control of the profession is placed in the hands of a Board of Directors and Examiners, seven in number, who are elected biennially by the members of the college. This board fixes the matriculation, examination, term of pupilage, curriculum of studies, primary and final examinations, fees, etc. The present matriculation is about equivalent to pass matriculation in arts in the universities, excepting that classics are not obligatory. The term of pupilage is two years and a half, under sealed indentures with a duly qualified dental practitioner.

Attendance at two sessions of the dental school, estab-

lished by the college, is required. A primary examination being passed at the end of the first session, and a final at the close of the second.

Successful candidates are admitted as members of the Royal College of Dental Surgeons, and receive the title of Licentiate of Dental Surgery (L. D. S.).

None but members of the college are permitted to practice dentistry, and heavy penalties are incurred by violation of the law. Foreign dentists (and under this head are included those from the other provinces of the Dominion of Canada), who have had three years' practice exclusive of pupilage, or who have been engaged three years in the study of dentistry, and have proceeded regularly to graduation in a reputable dental college, are admitted to examination for membership in the college, and the title of L. D. S., on matriculation and payment of the regular examination fee. Registered physicians of the Province of Ontario are admitted members on payment of the fees and passing the examinations in the purely dental subjects. The Board of Directors established a school of dentistry in the city of Toronto in the year 1875.

PRINCE EDWARD ISLAND.

An Act Regulating the Practice of Dentistry and Dental Surgery in the Province of Prince Edward Island, which was Assented to July 15th, 1891.

Whereas, it is desirable to regulate the practice of dentistry in the Province of Prince Edward Island;

Section 1. *Be it enacted by the Lieutenant-Governor, Council and Assembly, as follows:* This Act may be cited as "The Prince Edward Island Dental Act."

Sec. 2. That no person shall practice the profession of dentistry or dental surgery in the Province of Prince Edward Island without having first received a certificate, as hereinafter provided, entitling him to practice dentistry or dental surgery.

SEC. 3. That such certificate shall be issued by the Provincial Secretary, upon production to him of a diploma of graduation in dental surgery from the faculty of any Canadian dental college, or the faculty of any Canadian university having a special dental department, or from any such institution duly authorized by the laws of Great Britain or any of her dependencies, or from any dental college in the United States of America recognized by the National Board of Dental Examiners of the said United States of America, or from any recognized dental institution of any other foreign country, which required, at the time of issue of such diploma or license, attendance at a regular course of lectures, and an apprenticeship of not less than two years; or a person who has been in regular practice in Prince Edward Island as a dentist or dental surgeon for a period of six months immediately preceding the passage of this Act, and it shall be the duty of the persons claiming to be entitled to the certificate required by this section, to produce to the said Provincial Secretary evidence, satisfactory to him, of his being entitled thereto.

SEC. 4. And it is further enacted that, notwithstanding anything herein contained, such certificate as aforesaid may be issued to any dental student who, at the time of the passing of this Act, was actually apprenticed to any surgeon dentist in this Province, and who shall actually, at the time of applying for such certificate, have served apprenticeship of at least two years, and who shall also produce a certificate to the Provincial Secretary from such surgeon dentist, testifying to the effect that the applicant was duly apprenticed before the passing of this Act for at least one month, and has, at the time of application, completed an apprenticeship of at least two years; *provided always*, that nothing herein contained shall be construed to require physicians, surgeons, or others, to take out such certificate for the purpose of qualifying them to extract teeth.

SEC. 5. That, before any such certificate is granted, the applicant shall pay the Provincial Secretary the sum of five dollars.

SEC. 6. After three months from the passing of this Act,

any person not holding a valid certificate issued by the said Provincial Secretary as aforesaid, who practices dentistry or dental surgery, except extracting teeth, shall be guilty of an infraction of this Act, and shall be liable, upon summary conviction before the Stipendiary Magistrate of the city of Charlottetown, or the Stipendiary Magistrate of the town of Summerside, or before any two Justices of the Peace, for the county in which the offender resides, to a fine of not less than five dollars, nor more than twenty-five dollars, besides costs of suit, to be levied by distress of the defendant's goods and chattels, or, in default thereof, to be imprisoned for a period not exceeding one month.

SEC. 7. That no person who has not received the certificate required by this Act shall recover in any court of law any fees or money for any professional services or operation performed by him, nor for any materials provided by him in the practice of dentistry or dental surgery.

SEC. 8. That nothing in this Act shall be construed to prevent surgeons or physicians from temporarily filling teeth, or otherwise attending to them, for the prevention or cure of toothache.

QUEBEC.

DENTAL ACT.

An Act to Re-enact and Amend the Law Respecting Dentists.

Whereas, it is expedient to re-enact the law concerning dentists by amending it so as to extend its provisions concerning the practice of the profession, the examination of candidates, and the penalties, and to provide for the protection of the profession and the public; therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts, as follows:

1. Section fifth of chapter fourth of title tenth of the Revised Statutes of the Province of Quebec is replaced by the following:

SECTION V.—DENTISTS.

§ 1. CORPORATION OF DENTISTS.

I. *Constitution of the Corporation and its Powers.*

"4053. All persons residing within the Province authorized by law to practice the profession of dentist therein, and who have obtained a certificate as a licensed surgeon dentist in this Province, and who are registered as such in virtue of this section, are incorporated under the appellation of the 'Dental Association of the Province of Quebec,' having a common seal, with power to change, amend, cancel or renew the same.

2. Under such name, the corporation shall be invested with all the powers conferred upon civil corporations under the laws of the country, but shall be precluded from acquiring any real estate of over ten thousand dollars in value."

II. *Services upon the Corporation.*

"4054. All actions against the corporation shall be served in the ordinary form upon the Secretary of the Board of Examiners personally or at his professional office; and all other services, which should be made upon the parties according to the laws of procedure and the rules of practice, shall likewise be made in the same manner.

§ 2. MANAGEMENT.

I. *Board Entrusted Therewith and Composition Thereof.*

"4055. The Board of Examiners is charged with the management of the business of the Association.

2. The Board is composed of seven members of the Association elected at a general meeting held for that purpose every third year, on the third Wednesday of September.

3. The election shall be by ballot by the members qualified to vote and present at the said meeting.

4. No persons shall vote at such election unless they fulfill all the following conditions, namely:

'1. Are members of the Association;

'2. Are regularly registered as such;

'3. Are, at the time, authorized to practice the profession of a dentist;

'4. Are present at the said election, and qualified to attend the same and take part in its proceedings;

'5. Have paid into the hands of the Treasurer of the said Association all dues imposed in virtue of this section as well as under any other Act.'

5. The Examiners elected shall remain in office during three years.

6. The members of the board so elected shall appoint, from among their number, a President, a Secretary, a Treasurer, a Registrar, and such other officers as to them may seem desirable.

Such officers remain in office until a new Board of Examiners shall have been appointed at a subsequent election.

7. If, for any cause whatsoever, the election could not be held on the day prescribed, then it may be held at any adjourned meeting, provided that at the meeting so adjourned there shall be present at least ten members qualified to vote.

In case there should be not ten such members present, the Secretary shall convene another meeting, by thirty days' notice in the QUEBEC OFFICIAL GAZETTE, giving the place, date, and hour of the said meeting.

8. The next meeting for the election of members of the Board shall be held on the third Wednesday of September, one thousand eight hundred and eighty-nine.

For that purpose, the Secretary actually in office shall give thirty days' notice at least in the QUEBEC OFFICIAL GAZETTE of the place, date and hour when such meeting will be held.

II. *Powers of the Board.*

9. It shall be lawful for the Board of Examiners to enact rules and regulations, not inconsistent with the provisions of this section, respecting the honor, the dignity and the discipline of the members of the Association, the examinations for admission to the practice of dentistry, and generally for all matters and things in connection with the practice of dentistry.

§ 3. CONTRIBUTIONS.

"4056. Every member of the Association shall pay into the hands of the Treasurer of the Association, on or before the third day of September, in every year, a contribution of two dollars.

"4057. In addition to his inability to vote as stated in article 4055, any member of the Association neglecting to pay his contribution, after a thirty days' notice given to him by registered letter by the Treasurer, may be prosecuted for recovery of the said contribution and arrears before a civil court of justice of competent jurisdiction.

§ 4. CANDIDATES FOR STUDY AND PRACTICE.

I. *Candidates for Study.*

"4058. Any person conforming to the by-laws of the Association and the provisions of this section, may study the art of dentistry without any previous examination for the same.

2. Every student of dental surgery shall enter into a notarial indenture with a licensed surgeon-dentist in this Province, authorized to practice the said profession therein, and shall deliver into the hands of the Secretary of the Board of Examiners a copy of the said indenture.

These two conditions being complied with, the said person's name shall be registered by the Secretary, and from that time only shall his time of study be computed.

3. The time of study in the office of a licensed surgeon-dentist is four years.

During that time the student is obliged to follow at least one course of lectures in an authorized college of dental surgery, or a course of anatomy, of physiology and chemistry in any university of medicine in this Province.

II. *Candidates for Practice.*

"4059. To be admitted to examination for admission to practice as a surgeon-dentist, a student must previously have gone through the examinations in French, English,

Latin, history, geography, arithmetic and geometry, prescribed by any medical college in this Province for admission to study, and obtained a certificate establishing his having successfully passed the same.

Such examinations are passed before the examiner of the college then in office; and the student must give a written notice to the Secretary of the Association at least fifteen days previously to his intention to undergo such examination.

Any student regularly registered and under notarial indenture may, at any time during his clerkship, pass such examinations, provided it be at least thirty days before he gives notice of his intention to be examined for the practice of the profession.

2. By complying with the forms prescribed by the by-laws of the Association, and filing a certificate of such college or university to the effect that he has there followed the course mentioned in the preceding article, he shall acquire the right of being admitted to examination for the practice of dental surgery.

If successful in his examination, he shall be entitled to be admitted as a licensed surgeon-dentist.

"4060. Any registered and indentured student holding a diploma from a college of dental surgery, acknowledged by the Association, shall, after three years of clerkship, including the time passed in such college, by complying with the provisions of this section and the formalities aforesaid, and by paying the fees fixed upon by the Board of Examiners, be entitled to be admitted to examination for the practice of dental surgery.

If successful in his examination, he shall be entitled to a license of surgeon-dentist.

§ 5. EXAMINATIONS AND EXAMINERS.

"4061. The examiners shall meet for the examination of candidates at the time prescribed by the by-laws of the Association.

At such meeting they determine the locality in this

Province, and the date and hour when the next meeting shall be held for the said purposes.

2. The Secretary shall give to each member of the board notice of the said meeting, by registered letter, through the post-office, thirty days at least before said meeting.

If the locality, date and hour of the said next meeting have not been determined upon, the said meeting shall be held at the time, place, date and hour as it was held last time.

3. The examiners shall meet as often as they may deem fit, upon the written requisition of three of their number.

4. Four members of the Board of Examiners shall be a quorum.

5. The President, or the Chairman elected in his absence, in addition to his ordinary vote, shall have a casting vote.

6. Each member of the board shall be entitled, in addition to his traveling expenses, for each sitting attended by him, to a fee to be determined upon by the board, and which shall not exceed five dollars.

7. In the event of the death or resignation of a member of the board, or of any vacancy for any cause whatever, the other members shall immediately elect a person qualified for such office.

The new member shall replace the former one for the rest of the term for which he was elected.

8. There shall be a vacancy in the case of the absence of a member from two sittings of the board.

§ 6. COMPLAINTS BEFORE THE BOARD FOR BREACHES OF DISCIPLINE.

I. *Summons of the Accused.*

" 4062. The Board of Examiners, upon complaint in writing, and under oath taken before the Secretary of the said Association, may cause to appear before them a member of the said Association charged with violation of the by-laws, or with any act derogatory to the honor or the dignity of the profession, or with following or practicing a trade or industry inconsistent with the said profession.

II. *Preliminary Proceedings upon the Complaint.*

2. The complaint shall state summarily the time, place, circumstances, and nature of the offense complained of.

3. The Secretary shall submit the said complaint immediately to the board, and the latter may, by registered letter, call before them both the complainant and defendant for a certain fixed day.

4. On the day so fixed, the board may hear both parties or the party in attendance, and, if circumstances allow it, may conciliate and pacify the parties.

5. The board may grant or refuse permission to the complainant to proceed with his case, or to the defendant to file a counter complaint, if the complainant is a dentist legally practicing his profession.

In each case, the board may exact from the party authorized to prosecute a deposit, the amount whereof shall be determined by them, and which shall be made with the Treasurer as a guarantee of the adverse party's costs. The board may, according to circumstances, dispense with any deposit.

6. Upon the said permission to proceed being granted and the making of a deposit, if any be exacted, the accused shall be, by a notice signed by the Secretary, called upon to appear before the Board of Examiners at the place, time and hour when the complaint will be heard and considered.

7. A true copy of the said notice and complaint, certified by the Secretary, shall be served upon the accused by a bailiff of the Superior Court in the ordinary manner, fifteen days at least before that fixed upon for the hearing of the complaint, and another true copy of the complaint, also certified, shall be annexed to the original of the said notice, on the back whereof the bailiff shall make his return, under his oath of office, to the said board, in the ordinary manner.

8. A notice, informing the complainant of the place, date and hour when the said complainant shall be heard, shall also be served upon the complainant, and a return made of said service, according to the delays and in the manner hereinabove prescribed.

9. The bailiff's fees shall be similar to those he would be entitled to in a cause before the Superior Court.

10. Any bailiff who shall, without a legitimate reason, refuse or neglect to make any service or return required by this section, shall be liable to a fine of not less than forty dollars, nor more than one hundred dollars, recoverable with costs in the manner prescribed by article 4067.

III. *Appearance, Trial, and Hearing.*

11. The accused shall be held to appear in compliance with the notice, and to submit immediately in reply to the complaint, and without in any manner delaying the hearing thereof, a defense either in writing or verbally.

12. No written reply to the said defense shall be admitted.

13. So soon as the accused shall have submitted his defense, the *enquête* will commence and will be continued from day to day.

14. The evidence on both sides being completed, the parties shall be heard upon the merits of the complaint.

15. If the accused makes default in appearing, or, if appearing, he fails in submitting a defense, the complainant shall proceed to the proof of the facts alleged in his said complaint.

In the latter case, the accused shall have the right of cross-examining the complainant's witnesses, but will not be allowed to produce witnesses.

16. The evidence shall be taken down in writing by an *enquête* clerk, or a stenographer, at the discretion of the Board of Examiners.

17. The accused may cross-examine the complainant on his complaint, and give, if he desires, his own deposition. Both, in that case, shall be sworn.

18. The accused and complainant may be summoned as witnesses, and treated as such in all respects, according to the provisions of this section. But neither they nor any other witness shall be bound to answer questions, if they swear that their answers might expose them to a criminal prosecution.

19. The Secretary shall summon to appear before the board, in the manner prescribed by the Code of Civil Procedure, any person to him indicated as a witness.

20. Every person, before being examined as a witness at the *enquête*, shall be sworn before the Secretary, and shall be bound to answer all pertinent questions put to him.

Any person who, without a legitimate excuse, shall refuse to be sworn or to answer such questions, shall incur, for each such refusal, a fine not exceeding forty dollars, recoverable with costs in the manner hereinafter prescribed by article 4067.

IV. *Judgment Upon the Complainant.*

21. After hearing the evidence on both sides, the board may dismiss the complaint, or, according to the gravity of the offense, if the same is proved, may censure or reprimand the accused, or deprive him of the privilege of attending and taking part in the meetings of the members of the Association during a period not exceeding three years, or suspend him from the practice of the profession, in this Province, during the space of one year.

22. If judgment is not rendered at once, notice of the day when it will be rendered shall be given by the Secretary to the parties concerned two days, at least, beforehand.

23. The members of the board deliberate with closed doors, and in no case shall their dissent be communicated to the public, under the penalties imposed, paragraph 21 of this article.

24. All decisions of the board shall be rendered by the majority of votes.

When the final decision on the complaint is to be given, the presence of all the members who have heard the evidence is not necessary. The decision may be given in the presence of the majority of the sitting members.

The final decision shall be registered in the minutes of the Association.

V. *Costs.*

25. The board may condemn the unsuccessful party to pay such costs as to them may seem fit, or divide the costs, and may condemn him in addition to pay the successful party a certain sum as a compensation for all personal expenses incurred in connection with the said complaint.

VI. *Appeals.*

26. Any of the parties feeling aggrieved by reason of the final decision rendered by the board, may appeal to a general meeting of the members of the Association.

No such decision shall be invalidated, annulled or altered by any other means than the said appeal, not even by *certiorari.*

27. The said meeting shall be convened without delay by the Secretary, immediately after the appeal has been produced, and the appellant has deposited in the hands of the Treasurer a sum of one hundred dollars as a guarantee for the payment of the expenses to be incurred by the holding of the said general meeting, and of the expenses of the respondent.

If judgment is obtained by the appellant for his costs, the expenses of the general meeting shall be included therein.

In lieu of the said deposit, the board may accept security in such form and manner as to them may seem advisable.

28. For that purpose, the general meeting elects a President and a Secretary.

The President, in addition to his ordinary vote, has a casting vote.

29. Notice of the appeal before the meeting shall be given within the fifteen days following the decision of the board, and filed with the Secretary within the thirty days following the said decision.

The filing of the appeal, accompanied with the deposit or security, as the case may be, shall have the effect of suspending the sentence of the board until the general meeting has decided upon the said appeal.

30. Notice of the date, hour and place of the holding of the said meeting shall be addressed by the Secretary to the appellant, to the respondent, and to all members of the Association qualified to attend the same.

The said meeting shall not be held until the expiration of the ten days following the mailing of the notice at the post-office.

31. The Secretary shall transmit the record of the complaint to the general meeting.

32. The decisions of the general meeting shall be rendered by a majority of the votes, in the same form and manner as the decisions of the Board of Examiners, provided fifteen members at least shall be present at the same; and, in case a smaller number of members should attend, provided eight of them give their assent to the decision appealed from.

33. Neither the appellant nor the respondent shall be allowed to attend the said meeting.

34. No other evidence than the written depositions taken at the *enquete* before the Board of Examiners shall be admitted on the appeal; and no witnesses shall be examined.

35. The general meeting may either confirm unconditionally the decision of the board, or give the decision which the said board should have rendered, and adjudge, both as to the costs in the first instance and those of the appeal, in the manner as to the said meeting may seem equitable.

36. The decision of the general meeting, as well on the merits of the appeal as upon the amount of costs adjudged as hereinabove, shall be final, and shall not be invalidated, annulled or revised by any court of justice, not even by *certiorari*.

37. The decision of the general meeting, together with the record, shall immediately be transmitted by its Secretary to the Secretary of the Board of Examiners.

In all cases, the said decision shall be registered in the register of the Board of Examiners, and shall be executed as if it had been rendered by the board.

38. The Secretary of the general meeting shall immediately transmit to the Treasurer of the Association, with

the balance of the deposit, if any remains, a detailed memorandum, certified by himself, of the costs adjudged against any of the two parties on the appeal; and, out of the said balance so remaining, the Treasurer shall indemnify the person entitled to the same both by reason of the decision of the board and the general meeting.

VII. *Execution of Judgment.*

39. Should the party fail to pay the costs adjudged against him within fifteen days from the date of the final decision of the Board of Examiners, if there has been no appeal, or of the general meeting, if an appeal has been taken, the party to whom the said costs are due may obtain from the Superior Court of the district where the complaint has been made, an execution against the moveable or immoveable property of the person condemned to pay the same, by depositing in the office of the Prothonotary of the court a detailed statement of such costs, duly certified by the Secretary of the board, together with a copy, under the seal of the Association and certified by the Secretary, of the judgment condemning the party to pay the same.

No such execution shall issue against immovables, unless the amount of the costs to be recovered exceeds forty dollars.

40. In addition to the execution next above-mentioned, to which he shall be liable, if the party in default of paying the costs or any other sum adjudged against him is a dentist, his name may be struck off the roll of members of the Association, and he shall from that moment be deprived of the right to practice the profession in this Province.

But he may have his name reinscribed and resume the practice of the said profession by paying the sums adjudged against him and all costs incurred through his default.

§ 7. OF PENALTIES.

"4063. Any dentist who shall have been found guilty, before any court of competent jurisdiction, of indecent practices in the exercise of his profession, felony, perjury, or of

any other offense under chapter 164 of the Revised Statutes of Canada, concerning larceny and other offenses of a like nature, or who shall render himself liable to civil interdiction, or become deprived of any of his civil rights, shall lose *ipso facto* the right of practicing as a dentist within this Province.

"4064. It shall be the duty of the board to cause his name to be struck off the roll of the members of the Association so soon as the board shall have been apprised of the said member's disqualification.

The board may, nevertheless, upon the petition of any dentist whose name has been so struck, replace the said member's name upon the said roll, on such conditions as to the board may seem fit and advisable."

"4065. Whosoever, except licensed physicians and surgeons, not being a holder of a license as a dentist legally granted by the Board of Examiners, and whose name has not been registered as a member of the Dental Association:

'1. Practices in the Province as a dentist for a remuneration, or in the hope of being remunerated, rewarded or paid for his services, directly or indirectly; or who

'2. Attempts to evade the law by exacting payment, reward or remuneration for his services as a dentist by the sale of drugs or medicines, or by barter, exchange or otherwise; or who

'3. Falsely pretends that he is registered as a dentist, or that he is the holder of a license granted by virtue of the law, or who makes use falsely of a name, title or quality, or places before or after his name letters or signs of a description to induce the belief that he is duly authorized to practice as a dentist, or who makes use of a title of such a style as to induce the belief that he has obtained any diploma or degree from any college of dentistry, or who makes use of any sign, title or indication whatsoever so as to induce the belief that he has obtained the aforesaid degree or diploma; or who,

'4. Without being previously registered as a dentist, and without a license legally granted as aforesaid, practices

for a remuneration, or in the hope of being rewarded, remunerated or paid, directly or indirectly, under the name of a licensed dentist; or who,

'5. Without being legally registered and licensed, practices dentistry for a remuneration, or with the hope of being directly or indirectly rewarded, in the office or under the patronage of a physician or surgeon of this Province not duly authorized to practice as a dentist; or who,

'6. After being suspended from the exercise of the dental profession by the Board of Examiners, or after being struck off the roll of dentists by the said board without his name having been regularly replaced thereon, practices dentistry;

'Shall be liable to a fine of not less than twenty-five dollars, nor of more than fifty dollars, for each offense, to be recovered with suits of cost in the manner prescribed by article 4067.'

"4066. The fact of any person, not being licensed according to law, extracting teeth or performing any other act of dental surgery in any street or public place, or in any hall, or in any hotel, and then and there, or on the following days, selling, tendering for sale or gratuitously, or advertising any medicine whatsoever, patented or not patented; or

The fact of any person, not being licensed according to law, extracting teeth, or performing any other act of dental surgery in any street or public place, or in any hall, or in any hotel, in the company, or in the vehicle of any person, and then and there, or on the following days, selling, tendering for sale or gratuitously, or advertising any medicine whatsoever, patented or not patented;

Shall be considered as conclusive and irrefutable evidence that the said person is practicing the profession of a dentist in the hope of being rewarded, remunerated and paid indirectly, within the meaning of the provisions of paragraph 1 of Article 4065, and the said person shall be punishable accordingly.

§ 8. OF PROSECUTIONS.

I.—*Courts Before Which Brought.*

"4067. The fines imposed by this section shall be recoverable:

1. Before any District Magistrate, Judge of the Sessions, Police Magistrate, Recorder or Justice of the Peace, who shall then, upon the written and sworn complaint of any person of the age of majority, immediately issue against the defendant a summons which shall be returnable at once, and which shall be decided without delay;

2. Before the Circuit Court of the county or district where the defendant resides, or where the action is served upon him, or where the offense has been committed; or

3. Before the Superior Court of the district wherein the defendant resides, or where the writ is served upon him, or where the offense has been committed, when more than one fine is claimed by the same action, or when the amount claimed comes under the jurisdiction of the Superior Court.

2. With reference to paragraphs 2 and 3 of this article, the prosecution shall be taken by and on behalf of the Dental Association of the Province of Quebec, to which the sole right of prosecuting appertains.

In such prosecutions, it will be sufficient to allege the offense, or the particular causes by reason of which the said prosecution is instituted, and that the defendant has acted in violation of the law.

II. *Procedure.*

"4068. In all prosecutions upon information before any of the functionaries aforesaid, all the provisions of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings, including the schedule, shall apply in all cases not specially herein provided for.

The decisions of such functionaries upon such prosecutions shall be without appeal, and no notice or writ of *certiorari* shall suspend or prevent the execution of the conviction pronounced by them, unless the party condemned, on

giving notice of the *certiorari*, deposits with the clerk of the functionary who rendered judgment, the amount in full of the fine and costs imposed, and a sum of fifty dollars as security for the costs of the adverse party.

"4069. In actions brought before the courts of civil jurisdiction hereinabove mentioned, the procedure shall be summary, according to the provisions of chapter first of title second of book second of the second part of the Code of Civil Procedure, as contained in article 5977 of the Revised Statutes of the Province of Quebec.

Any cause may be inscribed at the same time for proof and final hearing on the merits.

"4070. The manner of proceeding to the seizure and sale of the defendant's goods, and all the other laws of procedure, as well as the rules of practice and the tariff of the said courts, respectively, shall apply in all cases where no special provisions are enacted by this section.

"4071. In case of an information lodged before one of the functionaries named in paragraph 1 of article 4067, all the provisions of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings, shall apply, in so far as they are not inconsistent with those of this section.

The said functionary may allow the counsel of the successful party a fee, in accordance with the tariff of the civil court of the district where the case is heard, as in an ordinary action of sixty dollars.

III. *Proof.*

"4072. In all civil prosecutions and upon any information under article 4065, it shall be the duty of the defendant to prove that he had the right to practice as a surgeon-dentist in the Province, that he had the right to assume the title, name and quality, or to use the letters, signs or indications which he is charged with illegally using and assuming.

"4073. No person, otherwise competent as a witness, in any action or upon any information under this section, shall be held as incompetent by reason of his being a member or an officer of the Association.

"4074. One witness only shall be sufficient to prove the offense in any prosecution or information for the recovery of penalties under this section.

"4075. When the proof of the registry or want of registry is required under this section, a copy or an extract from the register, or the books of the Association, under the seal of the same and the signature of the Secretary, shall be sufficient evidence of the contents of the said copy or extract, without its being necessary to produce the original.

"4076. No person illegally following the profession of a dentist shall be entitled to recover, before any court of justice, any sum of money for his professional services, drugs or articles so rendered, sold and supplied.

IV. *Execution of Judgments.*

"4077. In default of immediate payment of the fine and costs imposed, the defendant shall be imprisoned, during the space of not less than three months, nor of more than six months, in the common gaol of the district where the sentence has been rendered, unless the said fine and costs shall be sooner paid.

2. The functionary or court by whom the judgment is pronounced may, however, in place of ordering the immediate imprisonment of the defendant, grant him a delay, or order the attachment and sale of his real and moveable property for the acquittance of the fine and costs aforesaid and of all subsequent costs.

3. If, at the expiration of the delay granted, the said fine and costs are not paid, or if the sale of the said property of the defendant has not been sufficient to insure the acquittance of the said fine and costs, and subsequent costs, the said defendant shall, in any such cases, be imprisoned in the said gaol during the space of not less than three months, nor more than six months, unless the amount of the fine and costs, and all subsequent costs incurred through his default be sooner paid.

4. When the defendant, in default of immediate payment, is sentenced to be imprisoned at once, the warrant of commitment shall be signed and issued without delay by the Prothon-

otary or the Clerk of the Court, as the case may be, no special request to that effect being necessary.

5. All warrants of commitment in default of payment, after the expiration of the delay granted, or in case of insufficiency of the defendant's property, or any writ of execution against him, shall be signed and issued by the Prothonotary or Clerk, as the case may be, upon the *fiat* of an attorney *ad litem*, wherein it shall be alleged that the amount of the condemnation and costs is still due in whole or in part.

The above warrant of commitment may be *mutatis mutandis* in the forms O 1 and No. 5 of the schedule of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings, and shall be executed by any bailiff or constable.

6. The writ of execution shall be executed by a bailiff.

"4078. Any person so imprisoned may, in any case, be set free upon payment of the fine and costs, and of all costs subsequent to his condemnation, including the expenses of his removal to gaol, or, in case of the sale of his goods, upon payment of the balance remaining due.

2. The total sum to be paid for the discharge of the person so imprisoned, must, in all cases, be mentioned on the back of the writ of commitment.

§ 9. APPLICATION OF FINES.

"4079. All fines imposed by virtue of this section shall belong to the said Association, and shall be paid into the hands of the Treasurer thereof.

"4080. If the goods of the defendant are sold, or if the said defendant is confined in gaol, the officer conducting the sale, or the gaoler, as the case may be, shall, without delay, remit into the hands of the said Treasurer all sums of money received in partial or total acquittance of the fine and costs incurred.

§ 10. EXCEPTIONAL PROVISIONS.

"4081. Save and except the privileges conferred upon physicians and surgeons by the different laws of this Province, no person shall carry on the profession of a dentist in

the Province, unless he is in possession of a license issued by the Dental Association of the Province of Quebec.

Save the said privileges, should any physician or any one legally holding a license in virtue of the laws of this Province, and authorized as such therein, desire to practice as a dentist and to make himself known publicly as such, he shall be obliged to previously obtain a license from the Board of Examiners of the Association by passing an examination upon the mechanical and operative parts of dental surgery, and paying the fee fixed by the regulations for the obtaining of the said license."

"4082. The privileges and exemptions conferred upon physicians and surgeons by the laws of this Province are hereby granted to licensed dentists.

"4083. Everything that, under this section may or must be made and performed by the Secretary of the Board of Examiners, may, in his absence or default, be made and performed, in the same manner and with a like effect, by the Treasurer.

This provision shall also apply to all services which are, under this section, to be made upon the said Secretary.

If the day on which a thing may be or ought to be done under this section be a non-juridical day, then the said thing may or shall be done on the first following juridical day.

2. This Act shall come into force on the day of its sanction."

Assented to March 21st, 1889.

QUEBEC.

AMENDED LAW.

An Act to Amend the Acts Respecting the Dental Association of the Province of Quebec.

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts, as follows:

SECTION 1. Section 1 of the Act 46 Victoria, chapter 34, is amended by adding thereto the following paragraph:

"All members of the Dental Association of the Province of Quebec shall, on or before the third day of September, in each year, pay to the Treasurer of the Association an annual fee of two dollars."

SEC. 2. The following section is added, after section 6 of the said Act:

"6*a*. In addition to being disqualified from voting under section 6, any member of the association who neglects to pay his dues and fees in arrear, after thirty days' notice sent by the Secretary of the association to such member, by registered letter, may be sued for such dues and fees before any civil court of competent jurisdiction."

SEC. 3. The following section is added after section 7 of the said Act:

"7*a*. Students of dental surgery, regularly indentured, shall study for four years in the office of a licentiate, and during such time shall attend, at least, one course of lectures in any medical or dental college, after which, on complying with the formalities prescribed by the by-laws of the association, and on production of the certificates establishing such attendance at such medical or dental college, they shall be entitled to be admitted to examination, and, upon passing such examination successfully, shall be admitted as licentiates of dental surgery.

"Any such student, who is the holder of a diploma from any college of dental surgery recognized by the association, shall, after three years' service under indentures, including the time spent at the said college, on complying with the said formalities, and paying the fees established by the board, be entitled to be admitted to examination, and, upon passing such examination successfully, shall be entitled to be admitted as a licentiate of dental surgery."

SEC. 4. Section 19 of the said Act is replaced by the following:

"19. Every person not being the bearer of a dentist's license, granted by the Board of Examiners of the Dental Association of the Province of Quebec, and not registered as a member of the association:

"*a.* Who practices in this province as a dentist for remuneration, or in the hope of reward or payment, either directly or indirectly, or

"*b.* Who attempts to evade the law by causing his services as dentist to be indirectly paid by means of the sale of drugs or medicines, or barter, or otherwise, or

"*c.* Who falsely pretends to be registered or hold a license granted under the law respecting the Dental Association, or takes or uses in any way any name, title, or quality, calculated to convey the impression that such person is authorized to practice as a dentist, or makes use of any title intending to cause it to be believed that he is a graduate of a college of dentists, or uses any title representing in any way that he is such a graduate, or

"*d.* Who, without license, practices as a dentist for remuneration or in the hope of reward, directly or indirectly, under the name of a licensed dentist, outside the office or locality of practice of such licensed dentist, or practices as such unlicensed dentist for remuneration, or in the hope of reward, directly or indirectly, in the office or under the name or patronage of a physician or surgeon of this province not authorized to practice dentistry,

"Shall incur a penalty of not less than twenty-five dollars, nor exceeding two hundred dollars, for each offense, together with full costs of suit as brought.

"In default of payment of such penalty and costs within fifteen days from the date of rendering such judgment, or such shorter time as the court may fix, the amount thereof may be recovered by the seizure and sale, in the ordinary manner, under execution, of the movable or immovable property of the defendant; and in default of sufficient movable or immovable property to satisfy the judgment in penalty, costs and subsequent costs, the defendant shall be condemned to imprisonment in the common gaol of the district in which judgment has been rendered, for a period of not less than two nor exceeding six months, unless such penalty, costs and subsequent costs be sooner paid."

2. Prosecutions instituted for the recovery of any penalty

imposed by this Act may be instituted and sued for in the name of "The Dental Association of the Province of Quebec," or by any person in his own name, in the same form and under the same rules of procedure as ordinary civil actions for the recovery of debt, in any Circuit Court of the county or district in which the defendant resides, or in which he may be served with the writ of summons, or in which the infringement was committed.

Suits may also be instituted before the Superior Court for any such district, in the event of more than one penalty being sued for in the same action, or where the amount sued for would give such Superior Court jurisdiction.

3. It shall be sufficient, in any action or suit to recover penalties under this Act, to state in the declaration that the defendant is indebted to the plaintiff in the sum of money thereby demanded, and to allege the particular offense for which the action is brought, and that the defendant hath acted contrary to law.

HOLLAND.

In Holland, dentistry was restricted for years by a separate law. In the year 1865, it was decided to make the law uniform, and those deserving to practice dental surgery were compelled to study medicine; the degree of doctor of medicine entitled them to practice dental surgery without further study or examination. But few persons, however, directed exclusive attention to dentistry up to 1878, when in December of that year a law was passed regulating the conditions for obtaining the degree to practice medicine, midwifery, dentistry, etc. The new law pertaining to dentistry provides, as follows:

ARTICLE 1. For the degree of dentist (Trandmuster—licentiate to practice dentistry), by which is understood local treatment of the diseases to which the teeth, alveolar process and gums are liable.

ART. 2. This degree is obtained after having passed the practical examinations successfully, that is, satisfactory proofs

are required of the knowledge of operative dentistry and the placing of artificial dentures.

ART. 3. To the practical examination those only are admitted, who have passed their theoretical examination on dentistry successfully.

ART. 4. The theoretical examination comprises the anatomy of the teeth, alveolar process, and gums; their physiology, hygiene, pathology, and therapeutics, in which is included the knowledge of diagnosing the diseases of the teeth, alveolar process, and gums, whether arising locally or remote (constitutional), pharmaco-dynamics, and the art of prescribing, when it is necessary, local remedies for the diseases of the above-named parts.

ART. 5. The medical universities of the Netherlands are qualified (have the right) to examine on theoretic dentistry, and to give a certificate to those who have successfully passed the same.

ART. 6. The amount of five-and-twenty (25) guilders must be paid to the President of the faculty by the applicant before submitting to the examination. In case of being unsuccessful, no second payment is required at the second application.

ART. 7. A diploma will be given when the examinations have been passed satisfactorily, and the amount of twenty-five guilders has been paid to the President of the committee, which entitles the possessor to style himself a physician, dentist, etc.

ART. 8. All those having passed their examination successfully must, before being admitted, take in the presence of the President of the Examining Board the following oath (or promise): I swear (or promise) that I will practice dentistry according to the legally fixed stipulation and to the best of my knowledge and ability; that I never in my practice will disclose to any one what in secret is trusted to me, or come to my knowledge, except when my testimony is required as witness or expert by the court, or I am legally obliged to give information. So help me God (that I promise).

Resolutions passed February 12th, 1879:

Article 1. Two periods will be appointed in the civil year for making the examinations, the first lasting six weeks in the first eight months, and the last for four weeks during the remaining four months. The day and hour will be appointed by the President of the faculty, or by the member who fills his place.

Art. 2. The faculty convenes with no less than three members present, and examines but one at a time. The success of the candidate must be decided by a majority vote. If a division of the vote is for rejection, this rejection is for one year.

Art. 3. The examination is held in the Dutch language, unless the faculty (board) consents to the use of a foreign language, at the request of the candidate. All examinations are public, unless the board otherwise decides.

Art. 4. A dated certificate, and written in the Dutch language, signed by the President or *pro tem.* President, will be given to him who passes his examination successfully.

Art. 5. The day and hour for the examination are fixed by the President of the board, or *pro tem.* President, which is communicated by the Secretary to the parties concerned.

February 12th, 1879. Willem Kappeyne,
Minister of Interior.

The illegal practice of dentistry in Holland (that is, practice without a diploma) is punished by imprisonment for from one to six months, and a fine of from 5 to 25–100 florins. The penalties are equally applicable to dentists who employ anæsthetics, chloroform, nitrous oxide gas, etc., as to those who prescribe internal remedies, or who sell materials, such as powders, elixirs, or other dentifrices for cleaning the teeth. —France Medicale.

ITALY.

The following is a literal translation of the law regulating the practice of dentistry in the Kingdom of Italy:

No. 6850, series 3, in collection of official laws and decrees of the Kingdom of Italy, contains the following:

Humbert I, by the grace of God and the will of the nation, King of Italy: Seen the laws of November 13th, 1859, No. 3725; February 16th, 1861; October 8th, 1876; December 22nd, 1888; October 9th, 1889; and with the intention of establishing fixed rules and identical methods of conferring the diploma of dentistry in all the universities of the kingdom; having conferred with our Council of Superior Instruction; having heard the Council of State on the proposition of our Minister-Secretary of State for Public Instruction, and Secretary of State for internal affairs, we do hereby decree:

ARTICLE 1. Whosoever shall desire to practice dentistry or phlebotomy must have the degree in medicine and surgery.

ART. 2. The teaching of dentistry shall be imparted in the surgical institutes of those faculties in our kingdom, which can demonstrate having the necessary means and persons capable of such teaching according to the most recent progress of the specialty.

ART. 3. The nomination of teachers shall be made according to the existing rules for the appointment of professors extraordinary, after having heard the opinion of the Superior Council.

ART. 4. Those who have entered the courses in dentistry or phlebotomy previous to the publication of this decree, can finish and obtain their degrees under the rules in operation at the time of their entry. They also, as well as dentists already in practice, can continue under the article 60 of the law of October 9th, 1889, No. 6442 (series 3).

We order that the present decree, furnished with the seal of state, be inscribed among the official laws and decrees of our kingdom, and be it seen that this law shall be observed.

Given in Rome, April 24th, 1890.

[SEAL.] BOSELLE. HUMBERT.
CRISPI.

MEXICO.

There is no national law regulating the practice of dentistry in Mexico. Each state makes its own laws, and these differ. In no state, however, can a dentist practice his profession without a license. The mere presentation of a diploma is not sufficient. Permission to practice must be had either from the Medical Council, where such exists, or from the local authorities. The general Medical Council has power to license for practice, upon examination, in any part of the Republic. It also grants a diploma to such as are deemed worthy.

RUSSIA.

The Imperial Council in the United Departments of Imperial Economy and Laws and in General Council, after discussing the recommendation of the Minister of the Interior in reference to their organization of the study of the profession of dentistry, has rendered the following opinion:

I. To change and amend the existing articles of the dental statute (Digest of Laws, XIII, 1857), as follows:

SECTION 1. The specially practical learned medical titles, acquired after examination by persons studying the profession of dentistry, are *a*, dentist and *b*, dental surgeon.

SEC. 2. The title of dentist is acquired according to article 478, of the Medical Regulations. Any person seeking the title of dentist must present:

1. A diploma, certified to by the signature of the local medical authorities, that he has been studying the profession of dentistry with a known dentist for not less than three years, with good success, and that he has performed the various dental operations upon living persons, with proper skill and knowledge;

2. Pass an examination on the anatomy of the human maxilla, teeth and gums; on diseases affecting those parts, and the method to cure them by such local means which are allowed only a dentist to use;

3. Submit to a practical examination in a clinic, and perform several dental operations on corpses and on living persons.

REMARK:—Women can also obtain the title of dentists, after conforming to all the above regulations.

SEC. 3. To instruct all persons who desire to receive the title of surgeon, dental schools are established according to the normal regulations for such schools, prepared by the Medical Council and confirmed by the Minister of the Interior, with the approval of the Ministers of Public Instruction and War, on the following chief conditions:

1. The dental schools are in charge of the Minister of the Interior, under the direct supervision of the Local Medical Inspector;

2. The said school can be established with the permission of the Local Medical Department, which enters into a preliminary agreement on this subject with the school trustees of the district;

3. The dental schools are supported by their founders;

4. The management of the school is entrusted, on the recommendation of the Local Medical Inspector, with the approval of the Medical Council, to a person who has graduated after a full course of studies in any institution not of a lower grade than a high school. The founder of a school can be its director, if he complies with the above demand;

5. Only persons having learned degrees can teach. They are confirmed by the Medical Inspector;

6. To enter the dental school, a diploma is required, certifying that the applicant has been graduated from at least a common high school of six classes;

7. The course of studies in the dental schools continues for two years and a half, and is divided in five half-years (semesters);

8. Into the composition of the course of studies enter: *a*, physics; *b*, chemistry (general and dental); *c*, anatomy of the human body; *d*, histology and physiology; *e*, special anatomy, histology and the developement of the teeth and

the adjoining parts; *f*, general pathology, and pathological anatomy; *g*, local pathology and therapeutics of the diseases of the teeth and the gums; *h*, general surgery; *i*, oral surgery; *k*, pharmocology and pharmacy; *l*, general diagnosis and therapeutics; *m*, prosthetic and operative dentistry; *n*, filling and hygiene of the teeth; *o*, clinic of the diseases of the teeth and of the mouth; *p*, prosthetic clinic and technology, and *q*, practical studies in general and special chemistry, microscopy, anatomical dissections, extracting of teeth on corpses and operations under anæsthetics;

9. The dental schools are incorporated as private educational institutions of the first degree;

SEC. 4. The title of a dental surgeon is accorded to persons who have followed with success the course of a dental school, and have passed a successful examination before the Examining Commissioner at the University, or the Imperial Military Medical Academy.

SEC. 5. Women can obtain the title of dentist or dental surgeon on the same basis.

SEC. 6. Graduates of a dental school who have received a diploma of a dental surgeon, have a right to practice their specialty, under the conditions specified in the general regulations thereof.

II. To amend Article 481 of the statute on civil service (Digest Laws, III, 1876), as follows:

"In entering the Imperial service, dentists enjoy the right of the degree of the tenth class, in which they are confirmed after a satisfactory service of four years, by seniority, from the time of their entering the service."

III. To formulate Article 56 of the statute on military service (Digest of Laws, IV, 1886), in the following manner:

Art. 56. Persons who have the title of dentist enjoy the following privileges in their military obligations:

1. Those who have passed a course of five classes in the high schools, or who have passed an examination in the subjects of this course, the privileges of the second degree; and

2. Those who have finished a course of a two-class village school of the Ministry of Public Enlightenment, or have passed an examination in the subjects of this course, the privilege of the third degree.

The original opinion is signed in the journals by the President and the members. (Extract from the "Journals of the United Departments of the Imperial Economy and Laws," January 31st, and the General Council, April 8th, 1891.)

None of the Russian subjects, or foreigners, who have no diploma or certificate from the Medico-Chirurgical (Imperial Military Medical) Academy and Universities, can practice any branch of the medical, dental or veterinary professions in Russia. (Comp. Crim. Code, 1885, sec. 104.)

Foreign doctors who desire to pursue their practice in Russia must, in addition, be familiar with the Russian language. (Med. Statutes, XIII, sec. 125, 1886.)

In reference to the preparation and disposition of the articles prepared by dental surgeons (dentists), the following rules are observed:

1. Dental surgeons (dentists) are obliged to use for fillings, artificial dentures, etc., gold of a standard not lower than seventy-two, and silver not lower than eighty-four per cent., and of the number of other metals and compositions only the absolutely harmless ones, after their approval for such use by the Medical Council;

2. For every article of his a dentist must give the purchaser thereof, at the latter's request, a receipt, with an explanation of the kind and quality of metals used in that article. The form of such receipts is prescribed by the Medical Council;

3. For the violation of the condition stipulated in section 1, and also for the refusal to give a receipt, or for giving the same not in the prescribed form, or for the forgery of its contents, dental surgeons are liable, on the general basis, to prosecution, in either the administrative or criminal codes. (Digest of Crim. Cts., 1883, sec. 1214 and 1218.)

SPAIN.

The statutes regulating the practice of dentistry in Spain require of the dentist who desires to practice the profession in that country, that he pass a satisfactory examination in the various dental subjects, before a Board of Examiners appointed for that purpose. These examinations are in the Spanish language. In addition, the candidate must prove his practical ability in the treatment and filling of the teeth, etc., also make a vulcanite plate (for one of the many hospital patients). These operations must be done under the supervision of the Board of Examiners, who thus can observe and examine them in the various stages.

These examinations occur semi-annually, in April and October.

DENTAL LEGISLATION.

SUPPLEMENT.

ARIZONA.

An Act to regulate the practice of Dentistry in Arizona.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Arizona*, That it shall be unlawful for any person, who is not at the time of the passage of this Act, engaged in the practice of dentistry in this Territory, to commence such practice unless such person shall have received a license from the Board of Examiners, as hereinafter provided for.

SEC. 2. The Governor of the Territory shall appoint, after the passage of this Act, five (5) skilled dentists of good repute, residing and doing business in the Territory, who shall constitute a Board of Registration in Dentistry.

But no person shall be eligible to serve on said board unless they have been regularly graduated from some reputable dental college, duly authorized to grant degrees in dentistry, or who shall have been actively engaged in the practice of dentistry for a period of ten (10) years previous to appointment.

SEC. 3. The length of term for which the members of said board shall hold office shall be three (3) years, except that two of the members of the board, first to be appointed under this Act, shall hold office for the term of one (1) year, two for the term of two (2) years, and one for the term of (3) years respectively, and until their successors shall be duly appointed and qualified.

In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor in conformity with Section 2.

SEC. 4. Said board shall choose one of its members President, and one Secretary and Treasurer, and it shall meet at least once a year, and oftener if it shall be deemed necessary.

Four of said board shall constitute a quorum.

The proceedings of said board shall at all reasonable times be open to public inspection.

SEC. 5. It shall be the duty of each person now engaged in the practice of dentistry in this Territory, within ninety (90) days after the passage of this Act, to send an affidavit to the Secretary of said board, setting forth his or her name, place of business, post-office address, the length of time they have been engaged in the practice of dentistry in this Territory; if a graduate of a dental college, state the name of college, and shall pay to the Treasurer of said board the sum of five (5) dollars, for which they shall receive from said board a practitioner's certificate.

On failure to comply with the provisions of this section they shall be required to appear before the board, and be examined by said board.

SEC. 6. It shall be the duty of all persons not holding diplomas, who wish to engage in the practice of dentistry in this Territory, after the passage of this Act, to appear before said board at a regular meeting and pay into the treasury of said board the fee of twenty-five (25) dollars, not returnable, and stand an examination by said board in operative and prosthetic dentistry, and all the branches taught in a reputable dental college; and if such applicants pass an examination satisfactory to said board, said board shall issue to said applicant a license which will entitle him or her to practice dentistry in this Territory.

SEC. 7. It shall be the duty of all persons holding diplomas, who wish to engage in the practice of dentistry, after the passage of this Act, to present or send to the Secretary at the regular meeting of said board, an affidavit and

diploma with fee ($5), not returnable, and after said board being satisfied that said diploma belongs to said applicant, and that it was issued in good faith by a reputable dental college, said board shall issue to said applicant a certificate of registration for said diploma.

SEC. 8. All persons receiving a certificate to practice under this Act shall register his or her certificate with the County Recorder of the county in which he or she resides, and shall pay to the County Recorder for such registration the sum of two (2) dollars.

Any failure on the part of any person holding such certificate to comply with the first part of this section within thirty (30) days after receiving certificate, shall forfeit said certificate, and any certificate once forfeited shall not be returned by said board until applicant shall have paid to said board the fine of twenty-five (25) dollars.

It shall be the duty of each County Recorder to forward to the Secretary of said board the names of all persons having registered their certificates with them.

SEC. 9. It shall be the duty of said board to cause to be kept a record of all its proceedings, and the names and addresses of all persons qualifying under this Act.

An annual report of the same shall be rendered to the Governor.

All moneys received by the Secretary under this Act shall be used for the legitimate expenses of said board, but in no case shall any money of the Territory be used for that purpose.

SEC. 10. Any person or persons violating any provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred (100) dollars, nor more than two hundred (200) dollars, or confined six months in the county jail, or both, for each and every offense.

All fines recovered under this Act shall be paid into the common-school fund of the county in which such conviction takes place.

SEC. 11. It shall be the duty of the prosecuting attorney of each county to prosecute such cases when brought to his knowledge.

SEC. 12. That nothing in this Act shall be construed so as to interfere with the rights and privileges of resident physicians and surgeons in the discharge of their professional duties.

SEC. 13. This Act shall take effect immediately after its passage.

Approved April 3, 1893.

DISTRICT OF COLUMBIA.

An Act for the regulation of the practice of Dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be unlawful for any person to practice dentistry in the District of Columbia, unless such person shall register with the health officer, in compliance with the requirements hereinafter provided.

SEC. 2. That a board to carry out the purposes of this Act is hereby created, to be known as the Board of Dental Examiners, to consist of five reputable dentists resident of and for three years last before appointment actively engaged in the practice of dentistry in the District of Columbia, to be appointed by the Commissioners of said District for terms of five years and until their successors are appointed ; *provided*, that the first five appointments shall be made for terms of one, two, three, four and five years, respectively. A majority of said board shall constitute a quorum. Vacancies occurring in said board shall be filled by appointment of eligible persons for unexpired terms.

SEC. 3. That it shall be the duty of the Board of Dental Examiners, first to organize by electing one of their number

President and one Secretary, to provide necessary books and blank forms, and publicly announce the requirements of this Act, and the time, place, and means of complying with its provisions within thirty days from its passage; second, to promptly certify to the health officer for registration all who are engaged in the practice of dentistry in said district at the time of passage of this Act who apply therefor; third, to test the fitness, and pass upon the qualifications, of persons desiring to commence the practice of dentistry in said district after the passage of this Act, and certify to the health officer for registration, such as prove, under examination in theory and practice of dentistry, qualified in the judgment of the board to practice dentistry in said district; fourth, to report immediately information of any violation of this Act, and annually the transactions of the board to the Commissioners of the District of Columbia; *provided*, that all graduates of dental colleges which require a three years' course of study shall be entitled to certificates upon the payment of certification fee, and without examination as to their qualifications.

Sec. 4. That it shall be the duty of every person practicing dentistry in said district at the time of the passage of this Act, to make application to said board, in form prescribed by said board, for certification, and present the certificates thus obtained for registration to the health officer within sixty days from the passage of this Act. Every such person so registering may continue to practice without incurring the penalties of this Act.

Sec. 5. That persons desiring to commence the practice of dentistry in said district after the passage of this Act, shall first obtain a certificate of qualification from the Board of Dental Examiners, granted under authority conferred upon said board by Section 3 of this Act, and present the same to the health officer for registration.

Sec. 6. That it shall be the duty of the health officer to register all persons presenting certificates from said board in a book kept for this purpose, and indorse upon each certificate the fact and date of such registration.

SEC. 7. That certificates issued and endorsed under the provisions of this Act shall be evidence of the right of the person to whom granted to practice under this Act.

SEC. 8. That any one who shall practice, or attempt to practice dentistry in the said district without having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and in default of payment of such fine shall be imprisoned not less than thirty nor more than ninety days; said fines, when collected, to be paid into the Treasury of the United States, to the credit of the District of Columbia; *provided*, that nothing in this Act shall be construed to interfere with physicians in the discharge of their professional duties, nor with students pursuing a regular uninterrupted dental college course, or in *bona fide* pupilage with a registered dentist.

SEC. 9. That to provide a fund to carry out and enforce the provisions of this Act, the Board of Dental Examiners may charge such fees, not exceeding one dollar for each certificate, and ten dollars for each examination, as will from time to time, in the opinion of said board, approved by said Commissioners, be necessary. From such fund all expenses shall be paid by the board; *provided*, that such expenses shall in no case exceed the balance of receipts.

Approved June 6, 1892.

CAPE OF GOOD HOPE.—(AFRICA.)

The following rules regulating the registration of Dentists have been formulated and adopted in the Colony of the Cape of Good Hope:

SECTION 1. *The following rules have been elaborated and adopted by the Colonial Medical Council for the registration of dentists*, All qualifications, certificates, diplomas, degrees or titles recognized by the General Medical Council of the United Kingdom, will give the bearers thereof the right to

be registered as dentists, in accordance with Article 18 of the Law on Medicine and Pharmacy, 1891.

Sec. 2. Every person who has practiced previous to the 22d of July, 1878, desiring to be authorized and registered as a dentist in accordance with the above laws on medicine and pharmacy, must produce a certificate from the General Medical Council above mentioned, and if his name is not found on the list published in the *Dentists' Register*, he must furnish the Council with sufficient proof of evidence of his right of registration.

Sec. 3. The bearer of a diploma of licentiate of surgical dentistry, accorded by any medical authority in the United Kingdom, authorized to deliver such by the law on dentists, 1878, will not be obliged to produce at the same time a certificate from the General Medical Council above mentioned; but in this case the Colonial Medical Council reserves the right to communicate with the Secretary of the College which has issued the diploma, to assure itself whether the name of the possessor is always on the register or the list of said dental college or university.

Sec. 4. Any candidate may be called before the Colonial Medical Council in order to establish his identity or prove his qualifications.

Sec. 5. The Secretary will, from time to time, address a registered letter to every registered practitioner to ascertain if he has ceased to practice, or has changed his address, and if no answer is received within six months, his name will be erased from the register.

Sec. 6. Any degree which could be registered in conformity with Section 1, and obtained after the first inscription, will be registered upon payment of five shillings.

Sec. 7. All affairs relating to dentistry which are presented to the Colonial Medical Council will, in all cases, be submitted to a dental member of the Council for his advice.

CONNECTICUT.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Connecticut, in general assembly convened*, That the Governor shall appoint, on or before the first day of July, 1893, and biennially thereafter, five persons to be known as Dental Commissioners, who shall hold their respective offices for two years from the first day of July in the year of their respective appointments, and until their successors shall have been appointed and qualified.

SEC. 2. No person shall be appointed a Dental Commissioner who shall not have been, for at least ten years previous to such appointment, a practitioner in dentistry in this State and in good standing in said profession.

SEC. 3. Said commissioners shall appoint one of their number to be their official recorder, whose duty it shall be to keep a record of the official proceedings of said commissioners, and copies of said record certified by him shall be legal evidence.

SEC. 4. On the request of said commissioners the comptroller shall provide a suitable place in the capitol at Hartford for all meetings of said commissioners.

SEC. 5. Said commissioners shall meet in May of each year, and at such other times as they shall designate, for the purpose of attending to their duties as prescribed by this Act.

SEC. 6. Said commissioners shall give due notice of every meeting to be held by them pursuant to the provisions of this Act, by advertising the place of their meetings, for two weeks successively, in two of the daily newspapers published in said Hartford, and before the date of said meetings.

SEC. 7. Said commissioners may make such rules of procedure for the regulation of all matters of application and hearing before them as they may think advisable.

SEC. 8. No person, unless he has already commenced the practice of dentistry in this State before the passage and approval of this Act, and shall be engaged in said practice at the said time, shall engage in such practice in any town in this State, unless such person shall have first obtained from said commissioners a license therefor.

Sec. 9. All applications for such license shall be in writing and signed by the applicant, and no license shall issue to any person unless he shall have received a diploma or other sufficient certificate of honorable graduation from some reputable dental college having a department in dentistry,* and duly recognized by the laws of the State or States wherein the same is situated, or unless he shall have spent as a pupil or assistant at least three years under the instruction and direction of some reputable dentist, or unless he shall have had at least three years' continuous practice as a dentist, which facts must be shown to said commissioners by sufficient evidence.

Sec. 10. Nothing in this Act shall be construed as preventing any practicing physician or surgeon from the performance of any operation in dentistry on any patient under his charge. Nor shall any lawfully practicing dentist be prohibited hereby from availing himself of the services of any pupil, student, or assistant employed by him and under his immediate supervision.

Sec. 11. Every applicant for a license shall be examined by said commissioners, as to his professional knowledge and skill, before such license shall be granted, and they may refuse to grant a license where they are satisfied that the applicant is unfit or incompetent; they may for good and legal cause revoke any license that has been granted, and may prohibit any dentist in lawful practice from further practice, on satisfactory proof that such dentist has become unfit or incompetent therefor.

Sec. 12. Cruelty, incapacity, unskilfulness, gross negligence, indecent conduct toward patients, or any such professional misbehavior as shows unfitness on the part of the dentist, shall be sufficient cause for the revocation of a license, or prohibition to practice as above provided; and whenever complaint shall be made to any of said commissioners against any dentist practicing in this State, said commissioners shall

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*Error.—The law, as originally drafted, reads: ". . . reputable dental college or medical college having a department in dentistry." It will be changed at the next session of the General Assembly.

investigate the matter, and on finding probable cause shall notify the party complained of to appear before them and show cause why he should not be prohibited, or why his license should not be revoked.

SEC. 13. Every such notice shall be in writing, and signed by the Recorder, and shall contain a statement of the causes for which such prohibition or revocation is claimed, and shall specify the place and time for the hearing, which shall be at least twelve days after the service of said notice. Said notice may be served by leaving a copy thereof, attested by the Recorder, at the place of business of the party complained of, or at his last usual place of abode, or by sending the same by mail.

SEC. 14. Any dentist, who shall at any hearing before the commissioners, either by himself or by his procurement, make any false statement or misrepresentation with intent to deceive or mislead said commissioners, shall thereby forfeit his license, or be prohibited from practice.

SEC. 15. Any dentist who is aggrieved by the action of said commissioners in the revocation of his license, or prohibition from his practice, may apply to the superior court or court of common pleas, next to be in session in the county in which he resides, for a writ of mandamus, requiring them to revoke their decision, if the same be found on hearing to have been erroneous. Such application for mandamus may be served on said commissioners by some proper officer or indifferent person, by leaving with the Recorder, or at his usual place of abode, a true and attested copy thereof, within twelve days after said commissioners shall have notified such dentist of their decision.

SEC. 16. Every person applying for a license shall, at the time of his application, pay to the Recorder a fee of twenty-five dollars, and if such applicant shall fail to obtain his license, twenty dollars shall be returned to him.

SEC. 17. The Recorder shall keep an account of all moneys received by him and shall annually, in November, render his account to the Comptroller; and shall pay over from the moneys received by him the necessary traveling expenses of

commissioners, and for necessary books and stationery, and shall keep all files, receipts and records in his possession, and deliver the same to his successors in office.

Sec. 18. Said commissioners shall make to the Stat Board of Health an annual report of their proceedings, in such form and at such time as such board of health shall prescribe.

Sec. 19. Any person who shall engage in the practice of dentistry in violation of the provisions of this Act shall be guilty of a misdemeanor, and shall be fined not less than twenty dollars nor more than fifty dollars for each offense; and the unlawful practice of dentistry for one week or part of a week shall be deemed a separate offense.

Sec. 20. Sections 2,024 and 2,025 of the general statutes are hereby repealed.

In effect July 1, 1893.

MISSISSIPPI.

Section 1. Every person who desires to practice dentistry in the State of Mississippi must obtain a license to do so as hereinafter provided.

Sec. 2. A Board of Dental Examiners is hereby created, to consist of five practicing dentists, who shall be appointed by the Governor, and whose term of office shall expire with that of the Governor appointing them.

Sec. 3. Each person appointed as a member of the Board of Dental Examiners shall qualify by taking the oath prescribed by the Constitution for State Officers, and shall file a certificate thereof in the office of the Secretary of State within fifteen days after his appointment.

Sec. 4. After the members of the Board of Dental Examiners have qualified they shall meet at the capitol of the State, in pursuance of a call to be made by the Governor, and organize by electing a President and Secretary of the board from among themselves.

Sec. 5. Every person who desires to practice dentistry must apply, in writing, to the Board of Dental Examiners

for license to do so; and unless exempted by the provisions of this chapter, must appear before the board and be examined by it touching his learning and skill in dentistry, and if he be found to possess sufficient learning and skill therein, and to be of good moral character, the board shall immediately issue to him a license to practice dentistry, which shall be signed by each member of the board who attends the examination and approves the issuance of the license.

SEC. 6. The Board of Dental Examiners shall meet at the capitol of the State on the first Tuesday in April of each year, for the purpose of examining applicants for license to practice dentistry; and it shall continue in session until all applicants for license have been examined, and their examinations have been approved or disapproved. All examinations, except as to character, shall be upon written questions and answers, and three members of the board are a quorum for business.

SEC. 7. Applicants for license, who are required to be examined touching their learning and skill in dentistry, must each pay a fee of ten dollars to the Board of Dental Examiners, as a condition precedent to examination, which fee shall be distributed among the members of the board as their compensation, in such proportion as the board may allow.

SEC. 8. Each person now engaged in the practice of dentistry in this State is entitled to receive a license therefor, without being examined touching his learning or skill in dentistry, if he shall apply therefor within six months after this law becomes operative, and shall pay twenty-five cents for its issuance. If such application be made within the time prescribed, and the twenty-five cents be paid, the Secretary of the Board of Dental Examiners shall issue to the applicant a license to practice dentistry, which shall be signed in the name of the board by him as Secretary.

SEC. 9. Any member of the Board of Dental Examiners may examine applicants, orally or in writing, and issue a temporary license to them to practice dentistry, which shall authorize such practice and be valid until the next succeeding

meeting of the board. But one temporary license shall ever be issued to the same applicant.

Sec. 10. Every person who receives a license to practice dentistry must file it for record in the office of the Clerk of the Circuit Court of the county in which he shall reside, within thirty days after its issuance; and if he fail to do so, he shall thereafter be liable for practicing dentistry without license so long as the same shall remain unrecorded. When such license shall be filed, the Clerk shall record the same in the book in which the licenses of physicians are recorded, upon the payment to him of the lawful fee, and when recorded the original shall be delivered on demand to the licensee.

Sec. 11. If a license to practice dentistry be issued and become lost or destroyed, the Board of Dental Examiners may issue another in lieu of it, upon satisfactory proof of the loss or destruction.

Sec. 12. It is the duty of the Board of Dental Examiners to cause its Secretary to keep a complete record of its acts and proceedings, and to preserve all papers, documents and correspondence received by the board and relating to its duties and office.

Sec. 13. Such stationery, blank books, and forms as may be needed by the Board of Dental Examiners, in the discharge of its duties, shall be furnished to it by the Board of Public Contracts.

Sec. 14. The Governor may remove any or all of the members of the Board of Dental Examiners, and appoint another or others in place of such as may be removed, and may fill by appointment any vacancy that may occur in the board.

Sec. 15. Physicians may extract teeth by virtue of their license to practice medicine.

In effect November 1, 1892.

NEW MEXICO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of New Mexico:* That it shall be unlawful for any person who is not at the time of the passage of this Act engaged in the practice of dentistry in the Territory of New Mexico to commence such practice, unless such person shall have received a certificate from the duly authorized Board of Dental Examiners hereinafter provided for.

SEC. 2. A Board of Dental Examiners, to consist of five practicing dentists within the Territory of New Mexico, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said board shall be appointed by the Governor. The term for which the members of said board shall hold their offices shall be four years, and until their successors shall be appointed. In case of a vacancy occurring in the membership of said board such vacancy shall be filled by appointment by the Governor.

SEC. 3. The said board shall, within sixty days after their appointment, meet at the capitol of the Territory of New Mexico, and organize by electing one of its members President and one Secretary thereof. Said board shall meet at least once in each year thereafter, and as often and at such times and places as it may deem proper and necessary. A majority of said board shall at all times constitute a quorum for the transaction of business.

SEC. 4. It shall be the duty of every person who at the time of the passage of this Act is engaged in the practice of dentistry in the Territory of New Mexico, within six months from the date of the passage of this Act, to cause his or her written application to be filed with the Secretary of said board for a certificate to continue in the practice of dentistry within said Territory; and all persons whom the board may find to have been engaged in the practice of dentistry within the Territory of New Mexico for the period of one year next preceding the passage of this Act shall be entitled to receive a certificate from said Board of Examiners without further examination.

Sec. 5. No person whose name is not registered on the books of said board as a regular practitioner of dentistry, within the time prescribed in the next preceding section, shall be permitted to practice dentistry within the Territory of New Mexico until such person shall have been duly examined by said board and regularly licensed in accordance with the provisions of this Act; *provided, further*, that all persons presenting a diploma from a college recognized as reputable by the National Association of Dental Examiners and paying the sum of five dollars to the Secretary of the board shall be entitled to receive a certificate without further examination.

Sec. 6. In order to provide the means for carrying out and enforcing the provisions of this Act, said Board of Examiners shall charge each person applying for a certificate to continue in the practice of dentistry the sum of five dollars for said certificate, and all persons applying for an examination to procure a certificate to commence the practice of dentistry within the Territory of New Mexico shall pay to the Secretary of said board, before submitting to said examination, the sum of twenty-five dollars.

Sec. 7. Any person holding a license from said board who shall be charged with immoral or unprofessional conduct may, if found guilty as charged, upon proper investigation had by said board, have his or her license revoked by said board.

Sec. 8. All moneys received by the board shall be held by the Secretary thereof as a special fund for paying the necessary expenses and for enforcing the provisions of this Act.

The Secretary shall give to the board a good and sufficient bond, to be approved by said board, and in an amount to be fixed by the board.

Sec. 9. No part of the salary or other expenses of said board shall be paid out of the Territorial treasury.

Sec. 10. It shall be the duty of the Secretary of the board to make an annual report to the Governor of the Territory, at such times as may be directed by the board, and such report shall be signed and approved by the President of the board.

SEC. 11. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than one month nor more than three months, or by both fine and imprisonment, in the discretion of the court trying said cause.

SEC. 12. Any justice of the peace of the county in which such violation was committed shall have jurisdiction in all cases of violations of this Act, and it shall be the duty of the respective county attorneys to prosecute all violations of this Act.

SEC. 13. Nothing in this Act shall be construed to interfere with physicians and surgeons in their practice as such.

SEC. 14. This Act shall be in force from and after its passage.

In effect February 23, 1893.

NEW YORK.

AMENDMENT.

SECTION 1. *The People of the State of New York, represented in Senate and Assembly, do enact as follows*, That no person shall practice dentistry either as principal, agent, assistant or employé in the State of New York, or advertise or hold himself out to the public as so practicing dentistry, who shall not be licensed and registered as prescribed by this Act. Any person who shall practice dentistry, or advertise, or hold himself out to the public as practicing dentistry in violation of this section, shall be guilty of a misdemeanor, and upon a first conviction thereof shall be punished by a fine of not less than fifty dollars; and for every conviction of said misdemeanor subsequent to the first, the person convicted shall be punished by a fine of not less than one hundred dollars, or imprisonment, or by both fine and imprisonment.

SEC. 2. A person only shall be deemed to be licensed to practice dentistry in this State who shall have attained the

full age of twenty-one years, shall have had properly granted to him or her, either by the Dental Society of the State of New York, or by an incorporated medical or dental school or college, approved by the Dental Society of the State of New York, a proper diploma conferring a recognized medical or dental degree, and shall have made the registration required by Section 3 of this Act; *provided further*, that no diploma shall be deemed valid within the provisions of this Act if conferred irregularly, through fraud or false representation, or without substantial compliance by the person to whom it may have been granted, or the corporation conferring it, with the general statutory requirements of this State as to course and duration of preparatory and professional study, and also with the regulations of said State society and of the corporation conferring the diploma as to study, attendance, examination and character, or if conferred by a school or college not recognized by said society as reputable and providing an adequate course of instruction and maintaining a proper standard of attainment, character and attendance; *provided, also*, that all persons lawfully licensed and registered at the time this Act shall take effect, shall be deemed lawfully licensed and registered hereunder, subject only to the provisions of Section 3 of this Act as to removal of practice.

Sec. 3. Every person practicing dentistry in this State, shall register in the office of the Clerk of the County where his place of business is located, and in the office of the Clerk of any County into which he shall remove, or in which he shall carry on his business, in a book to be prepared and kept by the Clerk for that purpose, his name, age, office and post-office address, legal authority for practicing dentistry in this State, and the date of such registration, which he shall be entitled to make only upon presenting to the County Clerk a certificate from the member of the State Board of Censors appointed by the State Dental Society for the judicial district in which said county is situated, to the effect that said applicant for registration has received a proper diploma as provided in Section 2 of this Act, and upon the making by said applicant of an affidavit stating his name,

age and legal authority to practice dentistry within this State. Every such certificate of a Censor shall be filed by the County Clerk receiving it, and every person admitted to registration under the provisions of this Act shall be entitled, upon the payment of a fee of fifty cents to the County Clerk, to receive from that official a certified transcript of his registration. All the affidavits made in pursuance of the provisions of this Act shall be preserved in a bound volume by the County Clerk, in whose office they are made; *provided*, *however*, that all registrations lawfully made prior to the taking effect of this Act, shall continue to be as valid and of the same effect as when made; *provided*, *also*, that any registration procured by fraud or false statement of any kind shall be deemed null and void; and that the County Clerk, upon the presentation to him of a certified copy of the judgment convicting any person of a violation of the provisions of the dental law, shall note the fact and date of such conviction upon the registration. If any affidavit made pursuant of the provisions of this Act be wilfully false in any material regard, the affiant shall be deemed guilty of perjury, and punishable by imprisonment for not less than two, nor more than ten years. Any person who shall sell or barter, or offer, either orally, in writing or by printed advertisement, to sell or barter, or who shall by purchase, barter, fraud, false statements, bribe or promise of bribe, and without compliance with all provisions of law, any diploma purporting to confer a medical or dental degree, or any certificate, transcript or registration provided to be given under this Act or the statutes regulating the practice of medicine; or who shall substitute on any such diploma, certificate or transcript for the same of the person to whom the same was given or granted, the name of a different person, or shall fraudulently alter such diploma, certificate, transcript or registration in any material regard, and any person who shall use or offer to use any such diploma, certificate or transcript as a license or color of license, or means of obtaining license or registration as a practitioner of medicine or dentistry, shall be guilty of a misdemeanor, and upon

conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment for not less than six months, or by both fine and imprisonment; any person who, without a proper diploma conferring the same, shall assume the title of Doctor of Dental Surgery, or Master of Dental Surgery, or shall append to his or her name the letters D.D.S., or the letters M.D.S., or any other letters specially used by any medical or dental college, school, board or society to indicate that the person to whose name they are appended holds a recognized medical or dental degree, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, or by imprisonment for not less than three months, or by both fine and imprisonment; all fines and forfeitures of bail imposed and collected in consequence of violations of this Act shall be paid to the Dental Society of the State of New York; *provided*, that if at the annual meetings of the said society the Treasurer shall report an excess of the sums so paid, over the expenses of the society enforcing this Act, such excess shall be paid over by him to the Treasurer of the State, and become a part of the common school fund; *provided*, *also*, that any such fine or forfeiture imposed in an action brought by an incorporated county medical society for violation of the provisions of this Act, relating to medical diplomas, shall be paid to said prosecuting society.

SEC. 4. Sections 8, 9 and 10, of Chapter 152, of the laws of 1868, shall read respectively as follows:

SEC. 8. The State Dental Society, organized as aforesaid, having already at its first meeting appointed eight Censors, one from each of the said district societies, to constitute a State Board of Censors, divided into four classes, to serve one, two, three and four years, respectively, shall at each annual meeting appoint two Censors, to serve each four years, and until their successors shall be chosen, and fill all vacancies that may have occurred by death or otherwise. Each district society shall be entitled to one, and only one, member of said Board of Censors. Said Board of Censors shall meet at least once in each year, at such time and place

as they shall designate and, being thus met they, or a majority of them, shall carefully and impartially examine all persons who are entitled to examination under the provisions of this Act, and who shall present themselves for that purpose, and report their opinion in writing to said State Dental Society, and on the recommendation of the said board it shall be the duty of the President aforesaid to issue a diploma to such person or persons, signed by the President, the Secretary and said Censors, and bearing the seal of said society, conferring upon him the degree of "Master of Dental Surgery" (M. D. S.), and it shall not be lawful for any other society, college or corporation to grant to any person the said degree of "Master of Dental Surgery."

Sec. 9. The State Dental Society shall have the power to determine what medical and dental colleges maintain a course of education and training adequate in duration and standard to entitle their diplomas to be approved and certified by the Censors, as qualifying their holders to be licensed to practice dentistry in this State, and so registered. Said society shall admit to its examinations, provided for in Section 8 of this Act, only the following classes of persons, upon satisfactory proof of good moral character:

First. All duly licensed and registered dentists of this State.

Second. All persons coming from other States or countries who shall present to said society satisfactory proof of having been lawfully engaged in the practice of dentistry without the State for the term of six years.

Third. All such persons as shall have studied dentistry for a term of four years in the office or offices of some reputable and duly licensed and registered dentist or dentists of this State, and shall have in other respects conformed to the regulations governing such examinations, which regulations, not inconsistent with this Act, said society may make and must publish at least twice in each calendar year in a leading dental journal. Every person actually engaged at the time this Act takes effect in studying dentistry under private preceptorship, as aforesaid, must, within three months

from the passage of this Act, file with the Secretary of the State Dental Society, a statement of his or her age, present address, commencement of terms of study, and the name and address of his or her preceptors, who shall also certify that said statement, so far as it relates to himself, is true. Any person beginning such a course of study after the Act takes effect shall file a similar certificate, and until it shall be made, the term of four years required by the statute shall not be deemed to be commenced. No such student shall be eligible for examination for its diploma by said society, who shall not have filed one of said certificates, all of which shall be preserved, bound and indexed by said Secretary. Any wilfully false statement in any such certificates shall preclude the person making it from the privilege of examination. The Censor for each judicial district of said society shall be empowered to examine any applicant for the examination or certification of diploma granted under this Act, as to his or her age, identity, course of study, and if a diploma is offered for certification, as to the time, place and circumstance of its conferment. In so doing, the Censors are empowered to reduce the applicant's statements to the form of an affidavit, and administer the usual oath in respect thereto, taken by affiants as to the truth of depositions in legal proceedings.

Sec. 10. Every student, before filing the certificate called for by this Act, shall pay to the Secretary of the said State Society a fee of five dollars. Every applicant for a Censor's certificate that his or her diploma is approved by said society as entitling the holder to registration, shall pay to the Secretary of said society, at the time of his application, a fee of ten dollars. Every applicant for examination by the Censors of said society shall pay to the said Secretary, at the time of his application, a fee of thirty dollars. None of these fees shall be returned to the applicant, but shall be paid into the treasury of said society. But any applicant for examination before said Censors, who may have failed to obtain his diploma, may, for good cause shown, be allowed thereafter to present himself for examination without payment of a further fee.

Sec. 5. Nothing in this Act shall be construed to punish any person for performing merely mechanical work upon inert matter in a dental office or laboratory; or a registered student, who, for purposes of clinical instruction, in the presence and under the immediate supervision of his preceptor, may assist the latter in dental operation, providing that such student shall not, under the pretense of so assisting a preceptor, practice dentistry by performing operations independently; or a duly licensed and registered physician and surgeon for his lawful acts in the practice of his profession. Nothing in this Act shall be construed to suspend or discontinue any prosecution already commenced under the laws in force prior to the taking effect of this Act, and any violation of the provisions of this Act forbidding the practice of dentistry without lawful authority, committed by a person who shall have been previously convicted under the laws of which this Act is a codification, in any court within this State, of the misdemeanor of practicing dentistry without license or registration, shall be deemed a second offense within the meaning of this Act; such laws being to that extent kept in force.

Sec. 6. The following Acts are hereby repealed: Chapters 331 of the Laws of 1870, 540 of the Laws of 1879, 376 of the Laws of 1881, 280 of the Laws of 1888, and 337 of the Laws of 1889.

Sec. 7. This Act shall take effect immediately.

Approved May 12, 1892.

NEW ZEALAND.

An Act to amend the Acts relating to Dentists.

Section 1. *Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows,* The short title of this Act is "The Dentists' Act, Amendment Act, 1891."

Sec. 2. Whenever any person is refused registration as a colonial dentist, or as a foreign dentist, under the circumstances mentioned in Section 9 of "The Dentists' Act, 1880,"

the Board of Examiners shall, on the request of such person, appoint a time and place for his examination under the said Act and the by-laws or regulations then in force thereunder, and such examination shall take place within thirty days.

And if such person shall duly pass such examination in dentistry, he shall be entitled to a certificate and to be registered under the said Act, and all the provisions of the said Act, so far as applicable, shall extend and apply to the case herein provided for accordingly.

SEC. 3. "The Dentists' Act, 1880, Amendment Act, 1881," is hereby amended as follows, to wit: In line six of Subsection 1 of Section 3 thereof, the words "within one year" are hereby repealed.

SEC. 4. Wherever the word "Senate" is used in "The Dentists' Act, 1880," or "The Dentists' Act, 1880, Amendment Act, 1881," the words "Governor in Council" shall be read and substituted in lieu thereof; and it is further provided that the Governor in Council shall appoint a Board of Examiners for each of the cities of Auckland, Wellington, Christchurch, and Dunedin, for the purpose of conducting examinations and granting certificates under the Dentists' Act and this Act.

September 21, 1891.

OHIO.

To Amend Sections 4,404 and 6,991 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Sections 4,404 and 6,991 of the revised statutes of Ohio be so amended as to read as follows:

SEC. 4,404. From and after July 4th, 1892, it shall be unlawful for any person to practice dentistry in this State, unless such person shall have first obtained a certificate of qualification issued by the State Board of Dental Examiners of this State, as hereinafter provided:

1. A Board of Dental Examiners, to consist of five practicing dentists, resident in this State, is hereby created, whose

duty it shall be to carry out the purposes and to enforce the provisions of this Act. The members of the first Board of Dental Examiners, under the provisions of this Act, shall be appointed by the Governor of the State on or before the first day of May, 1892. The term for which members of said board shall be appointed shall be three years, and until their successors shall be duly appointed and qualified, and no person shall be appointed for or serve to exceed two terms in succession. All vacancies in said board, caused by expiration of term, or otherwise, shall be filled by the appointment of the Governor of the State.

2. Said board shall have power to make reasonable rules and regulations for the purpose of carrying out and enforcing the provisions of this Act. It shall choose one of its members President, and one Secretary; and shall hold two regular meetings in the city of Columbus, on the last Tuesday of May and November in each year, and at such other times as may be deemed necessary by said board. A majority of said board shall at all times constitute a quorum thereof for the transaction of business, but a less number may adjourn from time to time. The board shall keep full minutes of all its proceedings, and a full register of all persons licensed and certified as dentists by said board, which shall be public records, and at all reasonable times open to inspection as such. A transcript of any of the entries in such minutes and register, certified by the Secretary, under the seal of said board, shall, at all times and places, be competent evidence of the facts therein stated. The members of the board shall have power to administer oaths, and the board shall have power to hear testimony in all matters relating to the duties imposed upon it by law.

3. Any and all persons who shall desire to practice dentistry in this State after July 4th, 1892, except such persons as have been regularly, since July 4th, 1889, engaged in the practice of dentistry in this State, or who may hold, or may hereafter obtain diplomas from any reputable dental college, shall file application in writing with the Secretary of said Board of Dental Examiners for examination and license, and

at the time of making such application shall pay to the Secretary of said board a fee of ten dollars; and each applicant shall present himself before said board at its first regular meeting, after filing his application for examination by said board. The examination shall be of an elementary and practical character, but sufficiently thorough to test the fitness of the applicant to practice dentistry. The examination may be written, or oral, or both, at the option of the board, and shall include the following subjects, to wit: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, and operative, mechanical and surgical dentistry. All persons successfully passing such examinations, or who may legally hold diplomas from any reputable college of the United States, or any foreign country, or who may have been regularly, since July 4th, 1889, engaged in the practice of dentistry in this State, of good moral character, shall be registered and licensed by said board as dentists, and shall receive a certificate of such registration and license duly authenticated by the seal and signature of the President and Secretary of said board; and in no case shall the examination fee be refunded.

4. Every person receiving such a certificate of registration and license as dentist shall, before engaging in the practice of dentistry in this State, place and retain in place while engaged in the practice of dentistry in this State, such certificate of registration and license in a conspicuous position at his place of business, in such a manner as to be easily seen and read.

5. Every person who may legally hold a diploma from any reputable dental college in the United States, or any foreign country, or who has been regularly, since July 4th, 1889, engaged in the practice of dentistry in this State, shall, upon application and payment of a fee of two dollars, to the Secretary of said Board of Dental Examiners, and producing satisfactory and reasonable proof of the fact that he holds such diploma, or has been so engaged in the practice of dentistry in this State since July 4th, 1889, receive a certificate of registration and license to practice dentistry in this State. Every applicant for license to practice dentistry under the

provisions of this section shall, in person, by mail or otherwise, produce for the inspection of the Board of Dental Examiners his diploma, or the affidavits of himself and two freeholders, stating that he has been regularly engaged in the practice of dentistry in this State, and at what place or places since July 4th, 1889; and if the Board of Dental Examiners shall, upon inspection thereof, find that the applicant is legally qualified under the provisions of this Act to practice dentistry in this State, the Secretary shall, without unnecessary delay, deliver to the applicant a certificate of registration and license to practice dentistry in this State, or forward the same, without expense to the board, in such manner as the applicant may direct. The certificate of the Secretary of said Board of Dental Examiners, under the seal of said board, stating that any person is, or is not, a registered and licensed dentist, shall be *prima facie* evidence that such person is, or is not, entitled to practice dentistry in this State.

Sec. 6,991. All persons shall be said to be practicing dentistry within the meaning of this Act, who shall, for a fee, salary, or other reward paid, or to be paid, either to himself or to another person, perform dental operations of any kind, treat disease or leisons of human teeth or jaws, or attempt to correct malpositions thereof. But nothing contained in this Act shall be taken to apply to acts of *bona fide* students of dentistry done in the pursuit of clinical advantages under the direct supervision of a preceptor who is a licensed dentist in this State, or while in attendance upon a regular course of study in a reputable dental college, or to the acts of legally qualified physicians and surgeons.

1. Out of the funds coming into the possession of the board as above specified, the members of said board may each receive a compensation in the sum of five dollars for each day actually engaged in the duties of their office as such Examiners; and a mileage of three cents per mile for all distances necessarily traveled in going to and coming from the meetings of the board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this Act, and no part of the salary or other expenses of the board

shall ever be paid out of the State treasury. All moneys received in excess of the said *per diem* allowance and mileage, as above provided for, shall be held by the Secretary of said board as a special fund for other expenses of said board and carrying out provisions of this Act, he giving such bond as the board shall from time to time direct.

2. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof may be fined not less than twenty-five dollars nor more than one hundred dollars, or be confined not less than ten days nor more than one month in the county jail, or both. All fines thus received shall be paid into the common school fund of the county in which such conviction takes place. It is hereby made the duty of the prosecuting attorney of each county in the State to prosecute every case to final judgment, whenever his attention shall be called to a violation of the provisions of this Act.

3. Any person who shall knowingly or falsely claim or pretend to have or hold a certificate of registration, or who shall falsely and with intent to deceive the public, claim or pretend to be a registered or licensed dentist, not being such a registered or licensed dentist, shall be deemed guilty of a misdemeanor, and shall be liable to the penalties provided in this Act.

4. The Board of Examiners created by this amended Act may sue or be sued, and in all actions brought by or against it, it shall be made a party, under the name of the Board of Dental Examiners of the State of Ohio, and no suit shall abate by reason of any change in the membership of said board.

SEC. 2. Said original Sections 4,404 and 6,991, to which this is amendatory are hereby repealed.

SEC. 3. This Act shall take effect, and be in force, from and after its passage.

OHIO DENTAL LAW.

Attorney-General Richards has made the following decision regarding the construction of the new law governing the practice of dentistry:

"The words, 'regularly since July 4th, 1889, engaged in the practice of dentistry in this State,' mean steadily or continuously engaged in such practice, and the practice of dentistry does not include, I take it, a term of pupilage. There is a distinction between the study and the practice of dentistry, just as there is between the study and practice of law, or the study and practice of medicine. A person cannot be said to be engaged in the practice of dentistry who is simply a pupil, and is not qualified to do and does not do the work of a dentist on his own responsibility. The Act itself (Section 6,991) gives a good definition of what constitutes the practice of dentistry. A person who has been engaged in the practice of dentistry, as above indicated, since the 4th of July, 1889, whether of age when he began the practice or not, came within the class of those entitled to a certificate on making the necessary proof and paying the prescribed fee.

"A graduate of medicine must obtain the certificate of your board before engaging in the practice of dentistry. The exemption set out in Section 6,991 applies to dental operations performed by legally qualified physicians and surgeons in connection with their practice of surgery and medicine. The Act recognizes a distinction between such operations incidental to the practice of medicine and surgery, and the regular practice of dentistry requiring a certificate from your board.

"A physician who, in the practice of his profession, performed occasional dental operations, cannot be said to have been regularly engaged in the practice of dentistry, and hence is not entitled to a certificate to practice dentistry under the time exemption of the Act.

"The provision of Section 6,991, 'but nothing in this Act shall be taken to apply to acts of *bona fide* students of dentistry, done in pursuits of clinical advantages, under the direct supervision of a preceptor, who is a licensed dentist in this State,' does not authorize such student to be sent out by his preceptor to perform dental operations beyond his direct and personal supervision. The purport of the law is to protect the public against the work of those unskilled in

dentistry, by requiring proof of skill before power to practice dentistry is acquired. It permits, however, the performance of dental operations by students, so they may acquire the skill which in time, on the certificate of your board, will admit them to practice, provided the skill requisite for the protection of the patient is present in the person of the licensed dentist overseeing the work."

ONTARIO.

An Act to amend the Act respecting Dentistry in Ontario.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

SECTION 1. Section 3 of the Act respecting dentistry is repealed, and the following inserted in lieu thereof:

SEC. 3. There shall be a Board of Directors of the said Royal College of Dental Surgeons, of Ontario, to be constituted in the manner hereinafter provided for in this Act, and referred to in this Act as the "Board."

The board shall consist of eight members, all of whom shall be members of the said Royal College of Dental Surgeons, of Ontario, who shall hold office for two years, and of whom any four shall form a quorum.

One member of the board shall be elected from each of the electoral districts, mentioned in schedule A to this Act, by the members of the college resident in such district; and each member of the board shall be an elector in the electoral district he represents, and shall not be a member of the faculty of the school of dentistry constituted under Section 9 of the said Act respecting dentistry. When a vacancy occurs in the representation of the faculty, such vacancy shall be filled by the faculty.

One member of the board shall be elected by and from the faculty of the school of dentistry constituted under Section 9 of the said Act respecting dentistry.

Any member of the board may, at any time, resign by letter directed to the Secretary, and in the event of such

resignation, or vacancy, occurring by death or otherwise, the remaining members of the board shall elect some fit and proper person, from among the members of the college, to fill the vacancy for the remainder of the term, from the members in the electoral district in which the vacancy occurs.

SEC. 2. Section 4 of the said Act is repealed, and the following inserted in lieu thereof:

SEC. 4. Elections of the board shall be held on the second Wednesday of December, in every second year, reckoning from the year 1890; and the present Board of Directors shall hold office until the first meeting of the new board.

The persons qualified to vote at such elections shall be the members of the Royal College of Dental Surgeons, of Ontario, under the provisions of the Acts respecting dentistry heretofore in force, or under the provisions of this Act, and are not in arrears in respect to any fees payable under the provisions of this Act, and are resident in the Province of Ontario.

The votes of said elections shall be given by closed voting papers in the form prescribed in schedule "B" to this Act, and shall be delivered to the Secretary of said college by registered letter before the second Wednesday in December, in the year in which the election takes place.

The Province of Ontario shall be divided into the seven electoral districts described in schedule "A" to this Act.

The manner of holding such election shall, with respect to the notification of the electors of the time and place of holding the election, the nomination of candidates therefor, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, other necessary details be determined by by-laws to be passed by the board, and in default of such by-laws the Lieutenant-Governor, in Council, may prescribe the time and manner of holding such election.

Every newly-elected board shall hold its first meeting in Toronto, on the fourth Tuesday in March, or at such other time as may be fixed by the retiring board, and the members of such board shall hold office until the first meeting

of their successors. Special meetings of the board shall be called by the President, on the request in writing of four members of the board.

SEC. 3. Section 5 of the Act respecting dentistry is repealed.

SEC. 4. Subsection 1 of Section 6 of the said Act is repealed, and the following substituted therefor:

Every board shall at its first meeting elect a President, Treasurer and Registrar, and shall appoint a Secretary, who shall reside in the city of Toronto, and such other officers as the board may consider necessary. The Treasurer and Secretary shall receive such remuneration for their services as the board may decide.

SEC. 5. Section 11 of the said Act is amended by striking out the words "before the board" and adding to the section the words: "and to fix and determine the conditions upon which dentists residing elewhere than in Ontario, and students and graduates from other dental colleges may be admitted to membership in the Royal College of Dental Surgeons, of Ontario."

SEC. 6. Each member of the college engaged in the practice of dentistry in the Province of Ontario shall pay to the Treasurer, or to any person deputed by the Treasurer, to receive the same on or before the first day of November of each year, such annual fee as may be determind by by-laws of the board, not less than one dollar nor more than three dollars toward the general expenses of the college, and such fee shall be recoverable with costs by suit in the name of the Royal College of Dental Surgeons, of Ontario, in the Division Court having jurisdiction where the member so in default resides, and such member shall not be entitled to recover in any court for any services rendered in the practice of dentistry while so in default; but no funds collected under this section shall be disbursed otherwise than for the expenses of the board and the enforcement of the penal clauses of this Act.

SCHEDULE "A."

(*Section 2.*)

Electoral District No. 1 shall be composed of the following counties: Addington, Carleton, Dundas, Frontenac,

Glengarry, Lenark, Leeds, Lennox, Prescott, Russell, Renfrew, Stormont, Grenville.

Electoral District No. 2 shall consist of the following counties: Algoma, Durham, Hastings, Nipissing, Northumberland, Muskoka, Ontario, Prince Edward, Parry Sound, Petersboro, Victoria, York, except Toronto.

Electoral District No. 3 shall consist of the city of Toronto.

Electoral District No. 4 shall consist of the following counties: Halton, Dufferin, Lincoln, Peel, Simcoe, Wentworth, Welland.

Electoral District No. 5 shall consist of the following counties: Brant, Elgin, Haldimand, Norfolk, Oxford, Waterloo.

Electoral District No. 6 shall consist of the following counties: Grey, Bruce, Huron, Wellington.

Electoral District No. 7 shall consist of the following counties: Essex, Kent, Lambton, Middlesex, Perth.

SCHEDULE "B."

(*Section 2.*)

Election 18

Electoral District No.

I, of the of in the county of member of the Royal College of Dental Surgeons, of Ontario, do hereby declare:

1. That the signature affixed hereto is my proper handwriting.

2. That I am a voter in the Electoral District No. , and that I vote for of the of in the county of a member of the Royal College of Dental Surgeons, of Ontario, and an elector in said electoral district, to be a member of the Board of Directors of the college for the said district.

3. That I have not in this election signed any other voting paper, and that this voting paper was executed on the day of the date thereof.

Witness my hand this day of A. D. 18

SUPPLEMENT TO DENTAL LAW OF PENNSYLVANIA.

An Act making it unlawful for any person to engage in the practice or assume the title of Doctor of Dental Surgery, or advertise himself as a Doctor of Dental Surgery, without first procuring a Diploma from a reputable institution recognized by the National Board of Dental Examiners, and defining who shall be understood as practicing Dentistry, and authorizing State Board of Dental Examiners to charge and collect certain fees.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act it shall not be lawful for any person in the State of Pennsylvania to engage in the practice of dentistry or assume the title of doctor of dental surgery, or advertise himself or herself as a doctor of dental surgery, without first having graduated and receiving a diploma conferring the degree of doctor of dental surgery or other recognized dental degree from a reputable institution recognized as of good repute by the National Board of Dental Examiners and legally competent to confer the same, and having said diploma indorsed by the State Board of Dental Examiners and recorded according to requirement of the Act of June 20th, 1883; *provided*, that physicians and surgeons may in the regular practice of their profession extract teeth for the relief of pain or make applications for such purpose.

Sec. 2. Every person shall be understood as practicing dentistry within the meaning of this Act who shall for fee, salary or other reward, either to himself or another person, operate upon human teeth, furnish artificial substitutes, or perform those acts as assistant or principal usually understood as and called dental operations; *provided*, that *bona fide* students of dentistry, under the immediate supervision of a preceptor who is in lawful practice, may assist him in operations during the usual term of pupilage, not to

exceed two and one-half years from the date of commencement.

Sec. 3. The State Board of Dental Examiners is hereby authorized to collect a fee of not less than one dollar for each indorsement of a diploma required by the Act of June 20th, 1883; said amount to be paid by the holder of diploma as a prerequisite to indorsement. In all cases the members of the State Dental Examining Board shall, by written or oral examination or otherwise, satisfy themselves as to the fitness and qualifications of the holder of a diploma before indorsement is made, and in their discretion refuse to indorse the diploma of an applicant who is found incompetent.

When an examination is considered necessary, the said board is authorized to collect from the applicant a fee of five dollars, which sum shall be refunded in case his diploma is not indorsed.

Sec. 4. In case a graduate of one of the dental schools of this State shall desire and intend to begin the practice of dentistry in a foreign country beyond the bounds of the United States, and shall make affidavit duly certified as to the fact, and shall ask for the indorsement of the State Board of Dental Examiners, then said State Board being satisfied as to the character and qualifications of the applicant and the good repute of the institution issuing said diploma, may indorse the same, and for each such indorsement shall collect a fee of not less than ten dollars.

Sec. 5. Any violation of the provisions of this Act shall constitute a misdemeanor, and shall subject the party violating it to a penalty of not more than one hundred dollars for each offense.

Sec. 6. This Act shall not apply to persons who have been engaged in the active practice of dentistry in Pennsylvania from the date of the passage of this Act of June 20th, 1883.

Sec. 7. It shall not be lawful for any Recorder to place upon record any diploma of date later than September 20th, 1883, unless said diploma has been indorsed and approved

by the State Board of Dental Examiners or the Secretary of said board.

Sec. 8. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SWITZERLAND.

Laws regulating the practice of Medicine, Surgery, Dentistry and Pharmacy in the Canton of Geneva.

Article 1. No person can exercise in the canton of Geneva the professions of doctor, surgeon, pharmacist, veterinarian, dentist, or midwife, if he is not authorized by the State Council. The authorization of the State Council will be accorded only upon an examination of qualification, or upon presentation of official titles or diplomas, giving the applicant the right to practice his profession in the country where they were obtained, and on condition that these diplomas be recognized as valid by the State Council.

Art. 2. The scope, form and mode of examinations for qualifications will be determined by the regulations of the State Council.

Art. 3. In case of refusal of such authorization, the decision of the State Council must state the reasons.

Art. 4. Doctors, surgeons, pharmacists, veterinarians, dentists, and midwives, exercising legally their professions in the adjacent States, and domiciled in the neighborhood of frontiers, are allowed to practice in the parishes of the cantons near their residences. This privilege may be withdrawn individually by a justified order of the State Council.

Art. 5. A special register of authorizations shall be kept in the Departments of Justice and Police.

Art. 6. An abstract of this register shall be delivered by the State Council to all persons authorized to practice the above indicated professions.

A list of said persons, with their addresses, shall be exhibited in all drug stores, station-houses, bath-houses, and in such places as may be useful.

ART. 6. Any violation of this law, or its regulative executions, will be punished by a fine not exceeding two hundred francs for the first offense, and four hundred francs for the second. This penalty is independent of the more serious penalties for offenses or crimes foreseen in the laws.

In effect March 23, 1892.

VIRGINIA.

An Act to amend and re-enact Sections 1,767 and 1,774.

As amended and re-enacted by an Act entitled "An Act approved January 28, 1890, entitled 'An Act to amend and re-enact Sections 1,767 and 1,774 of Chapter 79, Code of Virginia, relating to the practice of dentistry,'" approved March 2, 1894.

Be it enacted by the General Assembly of Virginia, That Sections 1,769 and 1,772 of the Code of Virginia, and also Sections 1,767 and 1,774 of said code, as amended and re-enacted by an Act entitled "An Act to amend and re-enact Sections 1,767 and 1,774 of Chapter 79, Code of Virginia, relating to the practice of dentistry," be amended and re-enacted so as to read as follows:

SECTION 1,767. From and after the passage of this Act, it shall be unlawful for any person to engage in the practice of dentistry in the Commonwealth of Virginia, or to assist in the practice of dentistry as either assistant or employé, or to receive license from any commissioner of revenue, unless such person has graduated and received a diploma from the faculty of a reputable institution where this specialty is taught, and chartered under the authority of some one of the United States, recognized as of good repute by the Board of Examiners, duly appointed under the provisions of Section 1,768 of this chapter, and shall have obtained a certificate from said Board of Examiners, as provided in Section 1,769 of said chapter; *provided*, that persons who held license to practice dentistry in this Commonwealth on the 28th day of January, 1890, and have

complied with the requirements of Section 1,774, shall be otherwise exempt from the provisions of this section; *and provided further*, that nothing contained in this section shall prevent any authorized physician or surgeon, or other person, from extracting teeth for any one suffering from toothache.

SECTION 1,769. It shall be the duty of this board:

First. To meet annually at the time and place of meeting of the Virginia State Dental Association, or at such other time or place as the board shall agree upon, to conduct the examination of applicants. They shall also meet for the same purpose at the call of any four members of the board, at such time and place as may be designated by said members. Thirty days' notice of the meetings shall be given by advertising in at least two of the daily papers published in the State.

Second. To grant a certificate of ability to practice dentistry to all applicants who undergo a satisfactory examination, and receive at least four affirmative votes, which certificates shall be signed by the members of the board, and be stamped with a suitable seal (which they may adopt).

Third. To keep a book in which shall be registered the name and qualification (as far as practicable) of every person to whom such certificate is granted.

Fourth. Any member of the board, designated by the President thereof, may, upon presentation by any applicant of the evidence of the necessary qualifications to practice dentistry under this chapter, grant a temporary license to practice until the next meeting of the board, and no longer; *provided*, that no such temporary license shall be granted to any person who has been rejected on an examination by the board. All such temporary licenses shall be signed by the Secretary of the Board.

SECTION 1,772. Any person who shall, in violation of this chapter, practice dentistry in this State, shall, on conviction thereof, be fined not less than fifty nor more than two hundred dollars, and shall not be entitled to any fee for services rendered, and if a fee shall have been paid, the patient may recover back the same. On the trial of any

person charged with the violation of any of the provisions of this chapter, it shall be incumbent on the defendant to show that he has authority under the law to practice dentistry in this State, in order to relieve himself from the penalties herein prescribed.

Any commissioner of the revenue who shall, in violation of Section 1,767, issue a license to any person not authorized to practice dentistry by this chapter, shall, upon conviction thereof, be fined not less than twenty nor more than fifty dollars, and no license issued by any commissioner, in violation of this chapter, shall be valid.

Section 1,774. Every person practicing dentistry in the Commonwealth of Virginia at the time of the passage of this Act, shall register his name and post-office address, together with the name of the college from which he is a graduate, or the length of time he has been practicing in this Commonwealth, with the Board of Examiners before renewing his license, and it shall be the duty of the board to issue to each person so registered, a certificate of registration, stamped with the seal of the board, but no fee shall be collected from persons so registering.

Every person holding a certificate of qualification or registration from the Board of Examiners at the time of the passage of this Act, shall, within sixty days therefrom, have his certificate recorded in the clerk's office of the county or corporation court of every county or city in which he proposes to practice, and if in the city of Richmond, in the office of the Clerk of the Chancery Court of said city, and every person who shall, after the passage of said Act, obtain such certificate from the board, shall have said certificate recorded in the same manner within sixty days after receiving the same, and before receiving a license from any commissioner of the revenue.

The certificate shall be recorded in a book kept for the purpose, and properly indexed.

The clerk's fee for recording such a certificate shall be fifty cents.

This Act shall be in force from its passage, March 7, 1894.

WYOMING.

Section 1. *Be it enacted by the Legislature of the State of Wyoming*, That it shall be unlawful for any person to practice dentistry or dental surgery in the State of Wyoming without first having received a diploma from a reputable dental college or university, duly incorporated or established under the laws of some one of the United States or some foreign government, which is recognized as such by the National Association of Dental Examiners; *provided*, that nothing in Section 1 of this Act shall apply to any *bona fide* practitioner of dentistry or dental surgery in this State at the time of the passage of this Act; *and provided*, that nothing in this Act shall be so construed as to prevent physicians or surgeons from extracting teeth.

Sec. 2. Every person who shall hereafter engage in the practice of dentistry or dental surgery in this State shall file a copy of his or her diploma with the County Clerk of the county in which he or she resides, which copy shall be sworn to by the party filing the same; and the Clerk shall give a certificate with the seal of the county attached thereto, to such party filing the copy of his or her diploma, and shall file or register the name of the person, the date of the filing, and the nature of the instrument, in a book to be kept by him for that purpose.

Sec. 3. Every *bona fide* practitioner of dentistry or dental surgery residing in this State at the time of the passage of this Act, and desiring to continue the same, shall, within sixty days after the passage of this Act, file an affidavit of said facts as to the length of time he or she has practiced in this State, with the County Clerk of the county in which he or she resides; and the said Clerk shall register the name of and give a certificate to the party filing the affidavit, in like manner and of like effect as hereinbefore provided.

Sec. 4. All certificates issued under the provisions of this act shall be *prima facie* evidence of the right of the holder to practice under this Act.

SEC. 5. Every person violating the provisions of this Act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars nor more than two hundred dollars, for each and every offense, or be imprisoned in the county jail for sixty days, or both fine and imprisonment, at the discretion of the court; and all fines collected shall belong to and be paid into the common-school funds of the county where the offense was committed.

SEC. 6. Any person who shall have filed his or her affidavit or diploma, as required in Sections 2 and 3 of this Act, in one county, and remove to another county, shall, before entering upon the practice of his or her profession in such last-named county, procure a certified copy of the record of his or her former registry, and cause such transcript to be filed and recorded in the dental register of such county in which he or she has removed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

In effect February 18, 1893.

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